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WOMAN'S ARCHIVES

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WOMAN.

"In pursuing these most delicate inquiries, Mr. Walker's language and modes of expression are always calculated to impart a knowledge of the fact or the inference which he proposes to communicate, without awakening any feelings which may disturb the chaste sobriety of philosophical research."—*Dr. Birkbeck.*

WOMAN

PHYSIOLOGICALLY CONSIDERED AS TO

MIND, MORALS, MARRIAGE,

MATRIMONIAL SLAVERY,

INFIDELITY AND DIVORCE.

BY ALEXANDER WALKER.

"Poor thing of usages! coerced, compell'd;
Victim when wrong, and martyr oft when right."
BYRON.

SECOND EDITION.

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W17

ADVERTISEMENT.

In this work, the author has attempted to discuss philosophically the moral relations of the sexes, as founded on physiological principles. He has, therefore, sought to establish the truth; and he has regarded as worthless and contemptible the common flatteries addressed to the female sex.

He has better, he believes, deserved that sex's thanks, by showing, that nature, for the preservation of the human species, has conferred on woman a sacred character, to which man naturally and irresistibly pays homage, to which he renders a true worship—that nature has, therefore, given to woman prompt and infallible instinct as a guide in all her gentle thoughts, her charming words, and her beneficent actions, while man has only slow and often erring reason to guide his cold and calculated conduct, and that hallucination of mental supremacy which, vain as he may be, only

enables him blindly to protect and support woman, and makes him proud to promote her desires.

He believes that he has not less deserved thanks for having shown that man has erred from this natural principle, and has inflicted suffering both on himself and woman, by nearly all his laws as to the sexes, which have been dictated by selfish feeling and a slender share of erring reason, and not by this more natural, more safe and more generous social sentiment.

Rendering, then, all the homage and worship due to woman, and participating perhaps in the hallucination which he has described, he trusts to receive her approval; and he cares not a straw for the outcry of those of his own sex whom cant and cowardice lead to oppress her.

With this work, he closes the series in which anthropology is applied to the sexes, and of which the first was that entitled BEAUTY, the second was INTERMARRIAGE, and the third is this, which regards the MORAL RELATIONS OF THE SEXES. With this, he bids farewell to the subject; and must henceforth devote himself to severer duties.

He has endeavored, in this work, to profit by most of the good writers on the subject; and he has thought that he could not render the reader a greater service than by giving, in particular, an abridged and arranged view of Milton's doctrine of divorce.

—He has no objection, however, that the general originality of his work should be tried by a comparison with any work of the day.

The matters in it which he supposes to be original, are the following:—

1. The proving that there is a vast difference between the brain and mind of man, and the brain and mind of woman—a sexual difference, not by a comparison of the heads of adults, in which education and accident may be supposed to have effected this, but by a comparison of those of twins soon after birth, in which the difference of sex can alone have acted;

2. The showing that the sex of mind originates more especially in the vast superiority of sensibility in woman;

3. The explanation why woman sometimes more quickly understands many reasoned statements than man does;

4. The proving that the natural inferiority of intellect in woman is compensated by a vast superiority in instinct;

5. The explanation of the nature and species of instinct, showing that there is no mystery in any of these, as mystics and impostors pretend;

6. The pointing out the relations of consciousness and volition;

7. The showing how conscious, reasoned and voluntary action becomes instinctive;

8. The pointing out the importance of the acquisition of new instinctive habits;

9. The showing that the superiority of instinct in woman is connected with the greater developement of her vital system, and essential thereto;

10. The further showing that love, impregnation, gestation, parturition, lactation and nursing (the principal acts of woman's life), being almost entirely instinctive, and all the other acts of woman, being in close connexion and sympathy with these (being either powerfully modified or absolutely created by her instinctive vital system),—these, as well as her whole moral system, are more or less instinctive;

11. The pointing out that her mental system has no power to rise above the instinctive influence of her vital system, but on the contrary contributes to aid it;

12. The further pointing out that, on this superiority of instinct, depend her tact, promptitude, &c.—as well as the strange notions about her mind, soul, future life, &c.;

13. The showing how this superiority of instinct affects all her other mental operations;

14. The pointing out that on the smaller cerebel

of woman depends not only (as I have elsewhere shown) her feebler volition, but her feebler capability of attention and her muscular weakness.

15. The showing that from all this and the varying states of her vital system, result woman's incapability of reasoning—generalizing, forming trains of connected ideas, judging, persevering, as well as her greater tendency to insanity;

16. The proving not merely that the power of reasoning is incompatible with the organization of woman, but that great mental exertion is injurious to her, and that a vast mental superiority would ensure her suffering and misery;

17. The showing that woman's perception of what is fitting, her politeness, her vanity, her affections, her sentiments, her dependence on and knowledge of man, her love, her artifice, her caprice, being chiefly instinctive, reach the highest degree of perfection; whereas her friendship, her philanthropy, her patriotism and her politics, requiring the exercise of reason, are so feeble as to be worthless;

18. The explanation of the consequences of female representation;

19. The illustration of female sovereignty in the character of Queen Elizabeth;

20. The proving that monogamy is a natural institution as to the human race;

21. The showing that the indissolubility of marriage is not justified by any physical changes taking place in woman after marriage;

22. The further showing that even the duration of marriage for a time is justified chiefly by gestation, parturition, lactation and the cares that the child requires reducing the woman to dependence on her husband, and by the other cares it may subsequently require from both.

23. The pointing out that the duration of marriage or the expediency of divorce has been obscured by neglect of analytical examination;

24. The showing that the consideration of children in relation to divorce can affect only the cases in which they exist;

25. The suggestion that divorce or repudiation where children exist, ought not to be permitted until the children have attained such age that they cannot materially suffer by the separation of those who have produced them;

26. The more correct appreciation of the offence committed by both parties in adultery;

27. The establishment of the truth that the vitiation of offspring by the woman must not be supposed, but proved;

28. The pointing out the absurdity of divorce being made unattainable without legal offence, and of offence setting the parties free;

29. The pointing out the reasonableness of marriage being the great object of woman's early life;

30. The showing how clothing becomes a natural duty of woman;

31. The showing how cooking becomes a natural duty of woman;

32. The proving that woman is almost every where a slave; and that she is especially so in England;

33. The further proving that legislation as to women in England, so far as relates to fortune, is a scheme of mean and dastardly robbery;

34. The showing that woman, not merely in consequence of her more developed vital and reproductive system, rendering love more necessary to her than to man, and in consequence of man's infidelity and her privation, but in consequence of her subjection to a state of slavery in regard to property, person and progeny, is herself driven to extensive infidelity;

35. The pointing out that man has no power to prevent this while his conduct is such as it is, and while woman excels him in senses and observing faculties;

36. The proving that novelty is essential to the high enjoyment of every sensual pleasure;

37. The proving that, without reference to

moral consequences, sexual pleasure is perfectly innocent;

38. The further proving that such pleasure is quite as natural, and more necessary, to woman than to man;

39. The showing that, in the practice of love, the chief difference among nations is its avowal among some, and its concealment among others, —dependent on their having, with a larger vital system, greater observing faculties.

40. The furnishing the test, that the degree of the developement of the glandular and secreting system, always shows among which nations sexual wants and sexual errors most prevail;

41. The application of this to England;

42. The pointing out the origin and progress of these errors in individuals;

43. The further pointing out that such errors rarely lead to permanent attachments;

44. The showing that it is generally the jealousy of one of the parties that produces lasting estrangement, and that it is only when that passion and persecution ensue, that sexual infidelity becomes the occasion of injury to the domestic affections;

45. The further showing that sexual infidelity, though less to be blamed for irregular productiveness, than for non-productiveness and waste of

life, may thereby form the remaining cause of injury to the domestic affections;

46. The pointing out that the aristocracy of love in England, and its general aristocracy, have the same origin, in expensive laws;

47. The exposition of the fact that human nature, in its tendency to sexual infidelity, is much the same in modern Russia, Poland, England, Germany, Prussia, Austria, France, Italy, Spain, and Portugal, as in ancient Sparta and Athens;—always excepting that nations with greatly developed vital systems are most loving and prolific; and, where subject to indissoluble marriage, most guilty of sexual infidelity, though among them that is always concealed;

48. The showing that one great means of aristocratic despotism in general, and of that which regards divorce in particular, is the careful distinction of the rich from the poor by means of barbarous and insolent laws, and the placing justice, by its cost, quite out of the reach of the latter;

49. The more complete exposition of the injustice of polygamy;

50. The showing that the great cause of concubinage and courtezanism is indissoluble marriage;

51. The proving that parents bequeath their errors to their children, and that consequently

nothing can be more ignorant and savage than that they should also punish them.

A few of these views were published by the author in a juvenile and anonymous work: he mentions this to prevent his appearing to have derived them from another.

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WOMAN

PHYSIOLOGICALLY CONSIDERED

AS TO

MIND, MORALS, MARRIAGE,

ETC., ETC.

PART I.

MIND.

As all the actions of Woman are dependent on the operations of her MIND, it must be obvious that a brief philosophical and physiological consideration of these, is here a necessary preliminary to matters of lighter and more popular interest.

Mind is a general term expressing the aggregate of the acts or functions performed by the nervous organs situated chiefly in the head; just as life is a general term expressing the aggregate of the acts or functions performed by the tubular organs of which the central and greater masses occupy the trunk.

In darker ages, artful or ignorant men, not con-

tented with soul as a principle self-existing (in relation to matter) and immortal, sought to raise mind and life to the same rank; although they must have observed that both mind and life are born, that both grow with their respective organs, that both are liable to accident and disease with the organs of which they are the functions, that both become enfeebled and decay precisely as do their organs, that both die with their organs,—in short, that action can have no existence without mechanism or organization.

In times a little more enlightened, they gave up life as a self-existing principle. As all the functions that compose it—digestion, circulation, &c., are so evidently born, grow, become diseased, &c. with the stomach, intestines, heart, lungs, &c.—the organs of which they are the actions, artful or ignorant men became ashamed to insist on the self-existence of these functions, either as parts or as an aggregate. Life, moreover, as a self-existing principle, was awkwardly opposed by death; on the self-existence and immortality of which they might just as rationally have insisted.

In times still more advanced, it became obvious that mind is a term, not a thing, that it expresses not even a unity, but merely an aggregate—sensation which is a state of the organs of sense and dependent on every change in their structure,

volition which is equally dependent on the cerebel, as both observation and experiments prove, and perception, combining, comparing, determining, &c., which are all acts of the cerebrum or brain properly so called—all growing with the growth and strengthening with the strength of their particular organs—the actions, in short, of these organs, and therefore ceasing when the organs are destroyed.

We are sometimes told that all these organs are merely the material conditions of the functions. The organs, however, can no more be called the mere conditions of their acts or functions than the levers and wheels of a steam-engine can be called the conditions of its actions. In both cases, these are instruments, not conditions, which, by such persons, are confounded together.

To prevent this blunder, if possible, I may observe that mere conditions are accidental, instruments essential; a condition may vary even from presence to absence, an instrument wanting in a machine affects its identity—in the brain it constitutes monstrosity, accident, or disease. The parts, therefore, which compose the brain and are never absent but from monstrosity, accident, or disease, are essential organs—not accidental conditions.

The causes are, both in the steam-engine and in

cerebrum, simple;—in the engine the power of steam, in the brain impressions on the senses;—there is nothing in the intellect which is not first in the senses, as Locke has expressed in his aphorism, "nihil in intellectu quod non prius in sensu." These causes actuate the organization in both cases; and, in both, the mere conditions are, that the machinery is in order—in health, as we term it, in living and complex beings.

By some, it has been vaguely but truly asserted, that the size and the power of the brain, or chief organ of mind, are in general less in woman than in man. By others, it has been confidently but untruly replied, that this difference is altogether owing to the better or greater education of the male. By none has a mode of determining this fundamental and important point been indicated.

Without such determination, however, it appeared to me to be impossible rationally to investigate the nature of the female mind; and knowing that there is always a right and practicable way of attaining every useful truth, I addresssed myself to the subject. Looking, moreover, for what I wanted, in resources near at hand and open to every body, the examination of twins occurred to me.

A little reflection made it evident, that if twins, when of the same sex, were almost always of the same physiognomical character, an equally pre-

valent difference of such character, when they were of different sex, would indicate sex to be its cause. I felt, moreover, that this would be confirmed, if the differences thus arising were respectively well adapted to the nature and wants of each sex.

Seeking, then, first to observe, whether if, when twins are of the same sex, they present almost always the same physiognomical character, and especially the same developement of the brain, I found this to be actually the case.

I. Thus, in the heads of male twins of thirteen months, the children of James Thom, a Scottish soldier, I found the following dimensions, by means of a flexible measure applying around the surface of the head in the direction indicated, or from and to the points expressed:—

In one, Alexander—

1. Horizontally around the head, over the eyebrows and the greatest prominence of the back head—19 inches and $\frac{7}{8}$ths.

2. From the glabella, or space between the eyebrows, over the corona, to below the spine of the back head—13 inches and $\frac{1}{2}$.

3. From the depression immediately before and above the tragus of the ear, or upon the articulation of the lower jaw, over the middle of the head,

to the same point on the other side—12 inches and ½.

In the other, Robert—

1. Over eyebrows and back head—19 inches & ½.

2. From glabella to spine of occiput—13 inches and ½.

3. From before one ear to before the other—12 inches and ⅜ths.

Here the utmost difference between the twins is ⅜ths of an inch in one dimension, and ⅛th in another, making, in all, ⅝ths or half an inch.

II. In the heads of female twins of 15 months, the children of Hippolite Bellenger, who very liberally permitted their examination, I found the following dimensions:—

In one, Adele—

1. Over eyebrows and back head—18 inches and ¼.

2. From glabella to spine of occiput—12 inches and ¾.

3. From before one ear to before the other—11 inches and ¾.

In the other, Clementine—

1. Over eyebrows and back head—18 inches and ½.

2. From glabella to spine of occiput—13 inches and ¼.

3. From before one ear to before the other—11 inches and $\frac{1}{2}$.

Here the utmost difference between the twins is $\frac{4}{8}$ths of an inch in one dimension—$\frac{2}{8}$ths in a previous dimension being compensated by $\frac{2}{8}$ths in a subsequent one.

In comparing the females of the last case with the males of the first, it will be observed that the dimensions of the female heads, though their subjects were two months older, are always considerably less than than those of the males. The same was the case in other examinations.

III. It is, however, by comparing a female twin with a male of the same birth, and that in various cases, that this point can be determined most satisfactorily. Having, in the preceding cases, seen how nearly twins of the same sex approach each other in dimensions, such approach appears to be a general rule as to them: when, therefore, a much greater difference is found between twins of different sex, such difference appears to be a general rule as to these.

Thus, in the heads of twins, male and female, of two months, the children of William Steele, who liberally permitted their examination, I found the following dimensions:—

In the male, Thomas—

1. Over eyebrows and back head—15 inches and $\frac{1}{2}$.
2. From glabella to spine of occiput—11 inches.
3. From before one ear to before the other—9 inches and $\frac{1}{4}$.

In the female, Elizabeth—

1. Over eyebrows and back head—15 inches.
2. From glabella to spine of occiput—10 inches.
3. From before one ear to before the other—9 inches.

Here the difference between twins of different sex is no longer so trifling as it was between twins of the same sex. There, it amounted in each case, to $\frac{4}{8}$ths of an inch; here, between twins of different sex, it amounts, in the three dimensions, to one inch and $\frac{3}{4}$; and it shows that sex operates powerfully in this respect—that there is a sex of brain and of mind.

But while, in woman, the whole brain and the intellectual functions considered generally are thus less, even at birth, than those of man, she has, even at that period, with larger organs of sense, a larger forehead and more powerful observing faculties—depending on the cerebral masses which form that part, and of this the case just stated affords satisfactory proof.

In measuring from before one ear, obliquely forward over the top of the forehead, to before

the other ear, the male no longer exceeds the female, as in all the other dimensions—the female absolutely equals him, and is, therefore, in that dimension, proportionally larger — in both the measure is 8 inches. Hence the observing faculties of the female, like her organs of sense, are proportionally greater than those of the male.

IV. In the heads of twins, male and female, of five years of age, the children of James Mackintosh, who, with great liberality and intelligence, permitted their examination, I found the following dimensions:—

In the male, John—

1. Over eyebrows and back head—21 inches.

2. From glabella to spine of occiput — 14 inches and $\frac{1}{2}$.

3. From before one ear to before the other—12 inches and $\frac{1}{2}$.

In the female, Martha—

1. Over eyebrows and back head—20 inches and $\frac{1}{2}$.

2. From glabella to spine of occiput—14 inches and $\frac{1}{2}$.

3. From before one ear to before the other—12 inches and $\frac{1}{4}$.

Here the difference between twins of different sex is the less because both children have the same parts from the same parent—the forehead

from the mother and the backhead from the father: it amounts only to $\frac{3}{4}$ of an inch. But, as in the preceding case, in measuring from before one ear to before the other, the male no longer exceeds the female, as in two of the other dimensions—the female equals him, and is therefore, in that dimension, proportionally larger—the measure in both being 11 inches and $\frac{1}{4}$, and the observing faculties being absolutely equal in both, or relatively to other faculties larger in the female.

Other cases have afforded me similar results.

In taking measurements of this kind, a source of fallacy may occur to those who have not read my work entitled INTERMARRIAGE.—In that work, it is shown that one parent always gives the forehead, and the other parent the backhead, to their common progeny. It is evident therefore that if, in one parent, the forehead be large and the backhead small, and if, in the other parent, the forehead be small and the backhead large, their child may have the large forehead of one and the large backhead of the other, or it may have the small forehead of one and the small backhead of the other. When, accordingly, the parents give their smaller portions to the male and their larger portions to the female, that, to a hasty observer, may seem to be a contradiction of the general law of the smaller development of the female head.

It is necessary, therefore, that, in such cases, both parents should have both forehead and backhead proportionally well developed, or, which is still better, that both children should have the forehead from the same parent and the backhead from the other.

In the present case, the mother, as usual, has a smaller head than the father, and all its dimensions are strikingly similar—in every direction differing only by half an inch. Now, seeing that each parent gives half the cerebral organization of each child, it is evident that, had no new cause been brought into action, as great an equality of general dimensions should have ensued as is seen in the 1st and 2d cases, where both children are of the same sex. That this is not the case, can be ascribed only to the difference of sex—the sole new cause brought into action; and nothing I think can more clearly show that the size and the power of the brain or chief organ of mind are naturally less in woman than in man—that there is a sex of brain and of mind.

The enlargement of the forehead in the female, so clearly exemplified in this case—an enlargement always taking place while all other parts diminish in size, is quite as remarkable, and is scarcely less important as a sexual difference.

In the mental or thinking system generally con-

sidered, woman has, moreover, the organs of sense proportionally larger, and more delicately outlined, than man; and the whole nervous matter is characterized by its softness, delicacy, and mobility.

In consequence of this organization, the first to be especially dwelt upon, the SENSIBILITY of woman is excessive; she is strongly affected by many sensations, which in man are so feeble as scarcely to excite his attention; and these sensations succeed with intenseness and rapidity.

The vividness, as well as the variety of such sensations, of course oppose their depth and duration. We observe, therefore, that women are disposed to be affected by every impression, and constantly to undergo new emotions; that even inconsistent sentiments succeed in them with such rapidity that they sometimes laugh and cry alternately; and that they are guided chiefly by the impressions of the moment.

Here, then, is a striking anatomical and physiological distinction between the mind of man and that of woman, even in sensibility, their first and fundamental function; and it affords the best proof that, when writers on the rights of woman, like Mrs. Wolstonecraft, speak of "the prevailing notion respecting a sexual character in the mind of woman being subversive of morality," their arguments result from utter ignorance of her organiza-

tion. That indeed will generally be found to be a sufficient answer to all their assertions, as will appear in the sequel.

From the consideration of sensibility in woman, I should pass briefly to that of her INTELLECT, using that as a general term, expressing the cerebral functions.

I have, in my work on BEAUTY, shown that beauty of the mental or thinking system is less proper to woman than to man—is less feminine than beauty of the vital or nutritive system; and that it is not the mental, but the vital system, which is, and ought to be, most developed in woman.—Still less is it mere cerebral or intellectual, considered apart from mere sensitive beauty, which ought to characterize her.

It is a fact, that though the organs of sense and anterior part of the brain are larger in woman than in man, the head of woman, on an average, is much smaller than his,—owing of course to the diminished size of the middle and posterior part of the brain and of the cerebel.

Now, as energy of function is inseparable from healthy magnitude of organ, this anatomical fact also destroys the absurd speculations of the writers alluded to. Woman's sensibility and observing faculties are great; her reasoning faculties are small.

It may seem to be in contradiction to this, that

woman sometimes more quickly understands many reasoned statements than man does. This has occasionally been observed as a matter of great surprise; and it has never been explained. Woman's quick understanding, however, is dependent on the great sensibility and observing faculties which she is acknowledged to possess. But, to understand reasoning the most complex, is not to reason. In such a case, her attention is fixed by the speaker; her conception is not obscured by any other powerful faculty; and the train of reasoning already performed, is merely laid before her. Thus she is here passive, as in many other things.

Deficiency, however, of intellectual faculties in woman, is compensated for by a vast increase of instinctive ones, which I here mention only in a general way, as serving purposes, to which intellect is more or less inapplicable, and as absolutely fundamental to the following view of the mind in woman.

I apply the term INSTINCT to the faculty which leads to all the acts in which reason is not engaged; but which never leads to the errors to which reason is liable.

Instinct appears to me to be of various kinds.

One species is that which is described as a propensity previous to experience, and I would

add, independent of all instruction either of the individual or of the race,—a propensity as apparent in the young at a very early age, as in older animals, and extending only to what is necessary for the preservation of the animal itself and for the reproduction of its kind.

Even this first species appears to consist of two varieties, one of which is unconscious and involuntary, and the other conscious and voluntary.

Consciousness, it should be observed, accompanies acts of the will; unconsciousness those which are involuntary,—except the latter be prompted by suffering of some kind. Thus, long inactivity causes oscitation and pandiculation—yawning and stretching, involuntary acts (the latter occurring even in paralytic limbs), which then become conscious. Under suffering, indeed, the least voluntary acts become conscious and painful in the highest degree.

Of the first variety of this species, unconscious and involuntary instinct, we have perhaps an example in the infant's sucking for the first time. Its lips compress the nipple by means of their circular muscle (the orbicularis oris), excited probably by a mechanical stimulus,—in the same way that the circular fibres of the intestines contract peristaltically upon their contents, without either conscious sensation, or reasoning, or voluntary

motion,—the orbicular muscle of the lips being then merely the first ring of the primæ viæ.

Of the second variety of this species, conscious and voluntary instinct, we have one example in the more enlightened, though still unreasoning, duckling. With the agreeable consciousness of aqueous vapour impressing its olfactory nerves, it voluntarily travels to the pond which is its source, and casting itself on the surface, finds that it floats thereon.

Another example is afforded in the case mentioned by Galen. "On dissecting a goat great with young," he says, "I found a brisk embryon, and having detached it from the matrix, and snatched it away before it saw its dam, I brought it into a room, where there were many vessels, some filled with wine, others with oil, some with honey, others with milk or some other liquor, and in others there were grains and fruits. We first observed the young animal get upon its feet and walk; then it shook itself, and afterwards scratched its side with one of its feet; then we saw it smelling to every one of these things that were set in the room, and when it had smelt to them all, it drank up the milk."

There are no mysteries in instinct; though some mystics contend for them. Thus they talk of a *wonderful* instinct directing the bee to form cells

of six sides—the form which admits of the greatest number of cells in a given space! Now, the fact is, that the bee is guilty of no such absurdity: it makes the cells round like the form of its body; and their common pressure makes them six-sided: the exterior walls of the outer cells remain always round, because not subjected to any pressure.

On this subject, these mystics were followed by the phrenological ones. Spurzheim, having placed his constructiveness on the side of the head, found, in the remarkable width of the bee's head, a decided proof of its possessing that faculty in the most wonderful degree—until it was pointed out to him that there was no brain at all in the insect's head! Mysticism is an ignus fatuus which always leads into bogs, whence its stupid admirers, if they escape at all, always escape in a very dirty plight.

On this subject, Mr. Mayo, misled by the common cant, commits a very palpable error. "We *will*," he says, "with a general or precise anticipation of what the result will be, and in order to obtain it. A hungry person knows that the food he prepares to eat will gratify his appetite: a drowning person hopes that his cries will bring people to his assistance. But there are instances in human beings in which intelligent motives cannot be assigned for voluntary actions. The infant

at the breast, or struggling when first plunged into water, employs muscular efforts for its sustenance or preservation, no less voluntary than those which the schoolboy makes when draining his orange; or the exhausted swimmer when he calls for help. But in the infant, the motive which leads to the voluntary effort, is not the anticipation of pleasure or advantage, but a spontaneous tendency; a blind inclination, an instinct."

"Now, though reasoning is absent in all instinct, it is not true that there is any blind inclination in these cases. The infant, from the moment that sucking becomes a conscious and voluntary act (a condition here supposed by Mr. Mayo), derives from it actual pleasure, as from struggling in water he derives actual pain. These, being matters of feeling, become motives sufficiently intelligent; and it is mere nonsense to call them "blind inclinations, spontaneous tendencies," &c.

So in the case of Galen's kid, he says, "What is this but an instance of sensation occasioning a blind impulse to a determinate course of voluntary action?"—Why "a *blind* impulse"? To every supply of the vital system, actual pleasure is the most intelligent excitement; and so exclusively essential is it, that if it did not attend, we should neglect such supply, and death would overtake us without warning. If either Galen or Mr. Mayo,

seduced by the agreeable odour of the milk, had dipped his own nose in it, and then, tasting it, had lapped it up, he could not have acted more intelligently; and the senses of smell and taste *continue* to be our sole guides when new food or drink and new dishes are placed before us. It is when these best guides are obeyed, that health is insured; it is when they are neglected, that we dip and dye our noses in wine, and become the fit companions of the degraded monsters which the religion of Greece made the companions of Bacchus.

The *second species* of instinct is that which is subsequent to individual experience and dependent on individual instruction; which then becomes habit, and which, by suitably altering the organization, gradually acquires the generic character of excluding all process of reasoning. This is acquired when the acts which result from it either naturally are, or are artificially rendered, essential to the preservation of life, or the exercise of its economy.

I have elsewhere shown that a greater number of the actions even of man *become* instinctive than is commonly imagined. When, in leaving the house to walk, for instance, two persons step down stairs or turn into the street, every step is conscious, reasoned (however brief the process) and

voluntary; but when, proceeding in a long street, they engage in interesting conversation, their steps become more and more unconscious and involuntary, and they continue so until a crossing, a new turn, or an obstacle, requires a momentary exertion of consciousness, reason and volition, after which they resume their previous instinctive condition.

On this head, Mr. Mayo commits a very strange error. He asserts that many of our voluntary actions are unconsciously performed.—"There are," he says, "many voluntary actions, which leave no recollection *the instant afterwards* [which implies want of consciousness] of an effort of the will having preceded them. [Of this no shadow of proof can be given.] I allude to those, which from frequent repetition have become habits. [But, as just shown, these have also become unreasoned and instinctive]. Metaphysicians are generally agreed, that such actions continue to be voluntary, even when the influence of the will in their production eludes observation. [They must indeed be metaphysicians, not physiologists—such men as have written on what they call "the philosophy of the human mind," without the slightest knowledge of the structure of the brain! and who have written just as sensibly as any man might on the philosophy of the steam-engine without knowing its mechanism.]

But the law of nature on this subject is perfectly plain. All voluntary acts are conscious acts; because there can be no volition without previous desire or aversion, and no desire or aversion without previous understanding of the relations in which the object of desire or aversion stands to our wants, and a corresponding expectation of pleasure and pain; and such an operation cannot be unconsciously performed or "leave no recollection the instant afterwards."

The *third species* of instinct arises out of the last, and no longer affects individuals but progeny or the race, because organization and function have, by instruction and constraint, been first modified and afterwards propagated. This is that which has been observed by Mr. Knight and Sir J. Sebright.

"Domestic animals," says the latter, "will be found not only to have lost many of the propensities, that seem to be characteristic of their species, but to have acquired others, that are never seen in the same species in its natural state . . . Very different propensities are found in the various breeds of domestic dogs; and they are always such as are particularly suited to the purposes to which each of these breeds has long been, and is still applied."

Such propensities are to be found only in the progeny of man and other animals which, with

altered organization and function, have acquired altered habits, which become hereditary, and assume the character of instinct.

The value of this species of instinct is very great. It abridges education in progeny, who do naturally that which instruction and habit could alone acquire in the parent. The progeny are thus placed in a higher rank; and they may devote themselves to the acquirement of yet more valuable habits, which, similarly communicated to *their progeny*, may raise *them* yet higher in the scale of being. It is only in this way that education can permanently influence a race—a view which hitherto has, I believe, been entirely overlooked. To this, certainly, the present advancement of the human race has been greatly owing.

As the instinctive faculties now described, are connected chiefly with the purposes of life, its preservation and reproduction, it appears to be a law of nature that, in all animals in which the organs of sense and the vital system (which generally go together, as I have shown in my work on Intermarriage) are proportionally more developed than the brain and cerebel,—it appears, I say, to be a law of nature, that, in such beings, these faculties predominate over those of intellect and volition.

It will of course follow that a vast number of

the mental acts of the female sex generally, and of woman in particular, in whom the vital system is so greatly developed, are instinctive, not rational.

These instinctive actions, then, primarily and especially regard her vital and reproductive system, all the functions and relations of which require instant decision and unerring precision. It is so evident as scarcely to require mention, that love, impregnation, gestation, parturition, lactation, and nursing, have little or nothing to do with reason, and are almost entirely instinctive.

But it will be seen, in the sequel, that all the other actions of woman are in the closest connection or sympathy with these—that her relations to every thing around her, and consequently her morals—her politeness, her vanity, her affection, her sentiment, her dependence on and knowledge of man, her love, her artifice, her mobility and caprice, are all either absolutely created, or powerfully modified, by her instinctive vital system. And it is evident that they can neither be created nor modified by that instinctive system, without either wholly or partially receiving its essential character.

It will, moreover, appear that the fundamental and essential character of the mental and locomotive systems of woman are, owing to their slighter developement, utterly incapable of rising above

this instinctive influence of her vital system. Extreme sensibility is the great characteristic of her mental system; but it is at the same time the very basis of all instinctive action. Feebleness equally characterizes her locomotive system (except the very parts connected with vitality—those about the pelvis); and it as conspicuously marks all her instinctive acts. Indeed, all the modes of action last named—politeness, vanity, artifice, &c. are little more than combinations of sensibility and feebleness, added to the necessity of self-preservation and reproduction, which have been already described as the great objects of instinct.

Hence it follows, that all the actions of woman are more or less instinctive; and this—this alone, accounts for her rapid tact, her instantaneous feeling of the proprieties, her promptitude in deciding the little matters that naturally fall under her cognizance, &c., which have been such sources of surprise to observers.

Owing to the facility with which unconscious sensations and involuntary actions can be excited in women, they readily become the subjects of the perturbed sleep which constitutes somnambulism; and, even in common sleep, they can, far more easily than man, be induced unconsciously, and involuntarily, to obey the slightest impulses.

Hence, when Mrs. Wolstonecraft says, "I may

be allowed to infer that reason is absolutely necessary to enable a woman to perform any duty properly," she infers nonsense. Where her duty is instinctive, it requires no reason; and even where it does, the portion of reason necessary for its performance, is the less, that it is aided by instinct and limited in application. Instinct is itself unimproveable and independent of reason.

The preceding distinction between the character of the male and female mind, and the observation as to the predominance of instinctive faculties in the latter, have not, I believe, been hitherto made; but it has been as vaguely as universally felt that such distinction exists; and man has, not more readily perhaps than unjustly, claimed for himself a superiority on that account. The Mohamedan nations at once divest woman of soul and of future life; and it would appear that some Christians follow their example.

Horatio Plati, in his work entitled "Woman not of the Same Species with Men," endeavours to show this from the Bible itself; and, as his book is one of great rarity, I quote in Appendix (No. 1), some extracts from it in the original Italian, its most authentic form.

It appears, says Meunier, "amongst all the savage nations, as if women were considered profane even from the nature of their sex. They are

not allowed to assist in religious ceremonies, and there are, in the churches of Laponia, doors through which they are not allowed to pass."

And in a similar spirit, Mr. Moore says:—

"O woman! your heart is a pitiful treasure;
And Mahomet's doctrine was not too severe,
When he thought you were only materials of pleasure,
And reason and thinking were out of your sphere."

Recurring, however, in all seriousness, to instinct as the great characteristic of the female mind, as reason is that of the male, many will exclaim that woman is thus degraded. But I am disposed to question whether instinct, as a mental quality, be really less valuable than reason. Certain it is, that more fundamental and more essential duties are confided to it.

Having thus described instinct in woman, as more or less a substitute for intellect, used as a general term expressing the cerebral functions, I proceed briefly to notice some of the INTELLECTUAL FACULTIES which she presents; after which the degree in which instinct enters into her more complex mental operations will be better understood.

The first of these faculties are perceiving, remembering and associating, which need not, however, here be dwelt on; nor indeed need I dwell on any faculties which present not some peculiarity in woman.

The attention of woman to physical impressions,

and the difficulty of escaping from the dominant power of her sensations, naturally blind her with the lustre of things chiefly external. By this means, her IDEAS, or the combinations of her various impressions, are necessarily modified, and they are consequently more quick and dazzling than solid.

Intensity of sensibility and quickness of ideas in woman naturally render more multiplied and more vivid the pleasurable or painful EMOTIONS, which, when referred to her wants, they contribute to form.

The emotions of modesty, timidity, fear, pity, &c. chiefly predominate in her, because they are the natural results of her weakness and mobility. Hence she rather enjoys the present than reflects on the past or calculates as to the future.

Such sensations, ideas and emotions naturally induce desires of corresponding intensity; and accordingly women rather yield to their PASSIONS than follow the calmer dictates of reason. Happily, the gentler passions—filial affection, maternal tenderness, and other domestic regards, are those most generally and most powerfully felt by them.

Passion having no necessary connection with reason, and vanity or caprice dominating, it sometimes happens that to forbid any thing to women, is sufficient to make them desire it; that love, jealousy, superstition, &c. are sometimes carried by

them to an excess that men never feel; that hatred is in them nearer akin to love than to indifference; and that they never pardon wounds inflicted on vanity or injuries in love.

In conformity with these elementary circumstances, the IMAGINATION, a peculiarly and strongly marked function in woman, is highly susceptible of excitement, and yields easily to every excess.

These circumstances, moreover, being added to her weakness and timidity, lead her to seek support in superstition, and to prefer the most enthusiastic and extravagant theological doctrines.

In all this, the particular and instinctive influence of the matrix has great effects. Plutarch accordingly informs us, that the Pythoness of Delphi ascended the tripod to prophesy only once a month; and perhaps at no other periods, could even she have imagined "that she felt a presentiment of the approach of the God, and amidst wild agitations, tearing of hair, and foaming of the mouth, have exclaimed, "I feel —I feel the God! Lo, he appears!—Behold the God!"—and have repeated his discourse and his oracles correctly.

In modern times, it is chiefly through the enthusiasm of woman that religious creeds have been promulgated. "The nun in the cloister," says Diderot, "feels herself elevated to the skies; her soul pours itself forth in the bosom of the divinity; her essence mingles with the divine essence. She

faints; she swoons; her breast rises and falls with rapidity; her companions flock round, and cut the laces of her vestments. Night comes on; she hears the celestial choirs; her voice joins theirs in concert. Again she returns to earth; she speaks of joys ineffable; she is listened to; she is convinced, and she persuades others."

So natural is all this to woman, that St. Lambert says, "There are even some superstitions that I would leave to the majority of men, and still more to that of women. I would not prohibit their worship of some inferior divinities, which might present to them examples, and promise them protection. The personifying and making divinities of the virtues, talents and amiable qualities amongst the ancients, was a fine idea: that superstition well might have a very happy influence over the morals. Women being very susceptible of imitation, ought to imitate these models." *

Consistently with this disposition, women believe in ghosts and apparitions, in dreams, magic, con-

* Il y a même des superstitions que je laisserais au grand nombre des hommes, et plus encore à celui des femmes. Je ne leur interdirais pas le culte de quelques divinités subalternes, qui leur présenteraient des modèles et leur promettraient une protection. C'est une belle idée chez les anciens d'avoir personnifié et divinisé les vertus, les talens, les qualités aimables; cette superstition bien dirigée aurait pu avoir sur les mœurs la plus heureuse influence. Les femmes, très susceptibles d'imitation, devaient imiter ces modèles.

juring, divination, and fortune-telling, and they comply with all superstitious customs. They readily yield assent also to mesmerism or animal magnetism, the visions of somnambulism, &c. and hence the charlatans who live by such means, have chiefly women for their patients; and they find no difficulty in inducing them to believe the most absurd assertions.

It is to the influence of this ill-regulated imagination, that must be ascribed the fact of a greater number of insane women than men being confined in lunatic asylums; and such is the power of this faculty, that even "those who possess most reason and strength of mind, frequently give way under a certain state of the body, as at the approach of the catamenia, or during the first months of pregnancy." It has, moreover, been remarked that, amongst insane women, delirium increases and suicide occurs most frequently, at the catamenial period.

From the intensity, rapidity and variability of all the preceding mental operations, it is to be expected that imagination should be superficial and restless rather than profound, energetic and sustained. Rousseau, accordingly, observes that "that celestial fire which excites and inflames the soul, that genius which consumes and devours, that burning eloquence, those sublime transports that penetrate to the bottom of our hearts, *will*

ever be wanting in the writings of our women... The writings of women are always cold and pretty like themselves. There is as much wit as you would desire, but never any soul. They are almost always a hundred times more sensible than passionate: women know not how either to feel or to describe even love.*"

Sappho may indeed be cited as the author of lyric strains not excelled in any age. But her masculine—her unwomanly character, procured her from Horace the name of "mascula Sappho," and this was doubtless the outward sign of that temperament, which caused her to be accused of sexual vices, and probably made her an object of horror to Phaon,—women of that kind being generally more actively erotic than others, as well as ugly and violent in disposition.

I should here next notice woman's reasoning powers; but as these are feeble, and as that is owing partly to feeble volition, and its consequence in feeble attention, it is these which require our next notice in this sketch of the mind of woman.

* Mais ce feu céleste qui échauffe et embrase l'ame, ce génie qui consume et dévore, cette brûlante éloquence, ces transports sublimes qui portent leur ravissement jusqu' au fond des cœurs, manqueront toujours aux écrits des femmes . . . Les écrits des femmes sont tous froids et jolis comme elles. Ils auront tant d'esprit que vous voudrez, jamais d'ame. Ils seront cent fois plutôt sensés que passionnés: elles ne savent ni sentir ne décrire l'amour même.

Consistently with her smaller cerebel, VOLITION is feebler in woman than in man. Every thing indeed indicates the passive character in woman—mentally and bodily.

The *power of attention* is the first reactive effort of the organ of the will—the cerebel, upon the observing portion of the brain, executed, as I have shown, in my work on The Nervous System, by means of the lateral portion of that organ and the cerebellic ring or tuber annulare. Both the power and the organ are feeble in woman: her attention is at once weak and incapable of being sustained without assistance: even the intensity, rapidity and variety of her sensations ensure this.

The *muscular power* of woman, executed by means of the central portion of that organ, is naturally feebler than that of man. The width of her pelvis and the consequent separation of her hanches and of the heads of her thigh-bones render even walking difficult. Her muscles are generally less voluminous and always of a looser and feebler texture than those of man.—These facts have led Mrs. Wolstonecraft to acknowledge that "the female, in point of strength, is, in general, inferior to the male: this is the law of nature."

That no education or exercise will remedy these defects, or rather change these organic differences, has been proved in the case of the Spartan women; and we find that, though stronger exercises increase

the strength of woman, she cannot, in this respect, be approximated to man. It is evidently incompatible with her organization as woman.

Women are so conscious of this, that "far from feeling ashamed of their weakness," as Rousseau observes, "they glory in it; their tender muscles are powerless; they pretend they cannot raise the lightest burdens; they would blush to be thought strong."

So universal a characteristic of woman is her extreme flexibility and mobility, naturally connected with her weakness, that not merely the voluntary muscles of her limbs and her features, but the involuntary fibres of her heart, arteries and all the moving parts of her vital system, are strongly marked by it; and hence the convulsive disposition of woman under many circumstances.

Even the female writer I have quoted, accordingly, says, "A degree of physical superiority cannot, therefore, be denied to man—and it is a noble prerogative! . . . It must render women, in some degree, dependent on men in the various relations of life."

At an early age, girls try also the art of conversation, dependent on the same muscular system, which they soon after practise incessantly. "They speak earlier," says Rousseau, "more easily, and more agreeably than men. They are accused

also of speaking more; this is what should be, and I willingly change the reproach into eulogy." The mouth and the eyes have in them the same activity, and for the same reason. Man says what he knows, woman what she pleases; one, in order to speak, requires knowledge, and the other taste; one ought to have for the principal object useful things, the other agreeable ones. Their conversation ought not to have any other common forms than those of truth.

We now arrive, in this sketch, at the power of REASONING, into which most of the preceding faculties enter.

Woman seizes the details and shades of objects, dependent on the senses, more than their remoter connection or their relations, dependent on reason. Madame Necker accordingly says, "Women think their minds cultivated when they have attended to literature without having connected any thing. They are in error: the mind is cultivated first by habits of order and correctness, and secondly by reflection."* And Mrs. Wolstonecraft (for it is important here to have the testimony of observing women) says, "To do every

* Les femmes croient avoir l'esprit cultivé, quand elles se sont occupées de littérature sans avoir rien enchaîné. Elles se trompent: l'esprit se cultive premièrement par l'habitude de l'ordre et la justesse, secondement par la réflexion.

thing in an orderly manner, is a most important precept, which women, who, generally speaking, receive only a disorderly kind of education, seldom attend to."

This prevents their *generalizing* matters of fact, or their extracting, from many scattered ideas, a greater idea that embraces the whole. And therefore Rousseau observes that "The research for abstract and speculative truths, for principles, for axioms in the sciences, for all that tends to generalize ideas, is not the province of women; their studies ought all to refer to practice."

Yet Mrs. Wolstonecraft says," The power of generalizing ideas, of drawing comprehensive conclusions from individual observations, is the only acquirement, for an immortal being, that really deserves the name of knowledge.—This power has not only been denied to women; but writers have insisted that it is inconsistent, with a few exceptions, with their sexual character. Let men prove this, and I shall grant that woman only exists for man."—This has been already proved by the smallness in women of the middle and posterior part of the brain—the seats of the highest faculties;* by that of the cerebel and cerebellic ring—the organs of will, attention, &c.;

* The posterior lobes are wanting in lower animals—a fact sadly opposed to the dreams of Phrenology.

and by their incapacity to distinguish relations, to think in an orderly manner, to generalise; and as to woman existing only for man, there can be no more doubt of it, than that man exists only for woman.

Woman, by the intensity, rapidity and variety of her sensations, as well as by the causes just named, is of course incapable of thought separated from all external things, of *trains of connected ideas*, and of *connected modes of reasoning*.

Under such physiological conditions, we see why her *judgment* is often perverted by the prejudices of the senses. Instead, therefore, of producing any persisting determination, it leads to crowds of petty determinations every instant destroyed one by another.

Instead, then, of judgment, woman has rather a quick perception of what is fitting, owing to the predominance of her instinctive faculties. This quick perception, indeed, bears the stamp of instinct in that promptness and precipitancy which spring from its very nature and from its embracing only limited objects. Hence alone it is that women, in certain circumstances, possess a presence of mind superior to that of the cleverest man, and in a moment seem to attain better combined determinations than result from laborious calculation.

That this has little to do with reason, is proved by its being the affair only of emergency and of the moment. Woman has little foresight. The girl in a moment tells her lover's proposal to all her female friends, and is then compelled to spend days, weeks, months in mystifying them.

In perfect consistency with all this, Madame Necker says, "Want of *perseverance* is the great fault of woman in every thing, morals, attention to health, friendship, &c.—It cannot be too often repeated, that women never reach the end of any thing through want of perseverance.*

There are, moreover, additional and perpetually recurring obstacles to the attainment of reasoning powers by women; in the remarkable variations continually affecting their vital system. The periodical returns of the catamenia produce in many women indispositions more or less severe: their stomach performs its functions badly, and they are subject to very varied nervous affections: their sensibility becomes more exquisite; they are more susceptible of emotions and more disposed to love; they easily resign themselves to unfounded griefs and fears; they are liable to

* Le grand tort des femmes en tout, morale, soins de santé, amitié, &c. c'est le défaut de persévérance. And again, On ne peut trop se répéter que les femmes ne viennent à bout de rien que parce qu'elles manquent de persévérance.

singular caprices, to spasmodic affections, and even to mental derangement; they are more sensible to cold; their whole organization is more or less disordered.

The necessity of love which, in my work on Intermarriage, I have shown to be more essential to woman than to man, and the conditions of pregnancy, delivery and suckling, produce similar derangements.

Connected with all this is woman's weakness and mobility, her ever-varying fancies and caprices, and her disinclination to every thing requiring attention, to the observation of relations, to order and method, to generalization, trains of connected ideas, modes of reasoning, &c.

We cannot wonder, then, that the reasoning faculties are easily deranged in woman, and that consequently the number of insane women always greatly exceeds that of men.

Moreover, it is well known that, when women are capable of some degree of mental exertion, this, by directing the blood towards the brain, makes it a centre of activity at the expense of the vital organs which are much more important to them; and, if the latter suffer from the activity of the former, their chief value as women is destroyed. Science can never form a compensation to them for the deterioration of their vital system and their natural attractions.

Hence, says Cabanis, "woman is justly afraid of those labours of mind which cannot be executed without long and deep meditation: she chooses those which require more of tact than of science; more vivacity of conception than of force, more of imagination than of reasoning, those in which it is sufficient that an easy ability lightly raise the surface of objects." And accordingly, all the productions of women display only delicacy, spirit and grace.

Much, however, have we heard of learned, great and illustrious women—of women's capabilities to reason, philosophize and legislate.

Their learning may be sufficiently illustrated by an anecdote from one of our periodicals.—"Of course," say they, "no one can have a higher opinion of the fair sex than ourselves, and nobody can be more unwilling than we to doubt the genuineness of those numerous and various excellencies which they exhibit; but, we confess, it has often occasioned us to open the eyes of surprise, and lift up the hands of astonishment, to see the familiarity evinced by them with the dead languages (we say nothing of their aptness at the unknown tongues), and the facility with which they will turn an ode of Horace or a scene of Menander into English (rather blank) verse. A certain reverend canon lately deceased, has 'let the cat out of the bag.' In a letter lately published in the

Gentleman's Magazine, he thus writes:—'Yours is a just portrait of Miss Seward, of Litchfield—her exact character. I was conducted the other day to her blue region, as André calls it. She was there busy in translating, or rather transposing, an ode of Horace, without understanding a word of the original. She had three different translations before her—Francis's, Smart's and Bromick's—out of which she compounds her own."

Moreover, no one, by her learning, ever compensated for that total abandonment of female character which is inseparable from the assumption of such attainments.

Neither have they sufficient attention and accuracy to attain any success in the exact sciences, as Cabanis has well shown.—"If they wish to astonish by feats of strength and to join the triumph of science to victories sweet and more sure, then almost all their charm vanishes; they cease to be that which they are, in making vain efforts to become that which they wish to appear; and, losing the attractions without which the empire of beauty itself is uncertain and brief, they in general acquire only the pedantry and the absurdities of science. In general, learned women know nothing profoundly: they perplex and confound all objects, all ideas. Their vivid conception seizes some parts: they imagine that they understand all. Difficulties repel them: their

impatience bounds over these. Incapable of fixing long enough their attention on a single object, they cannot experience the intense and deep enjoyments of strong meditation: they are even incapable of it. They pass rapidly from one object to another, and they obtain by this means only some notions partial and incomplete, which form almost always in their heads the most whimsical combinations."

The chief object of female existence being such as it is, woman's devotion to sense and to imagination, her weakness and her artifice, were inseparable from her nature; and therefore depth of reasoning and strength of judgment are at utter variance with her physical and moral structure.

As to works of genius, they exceed the capacity of woman. She has never, therefore, by any cultivation of her mind, attained even one of those conceptions which form the highest triumphs of the mind. Cabanis, indeed, observes, that "it is perhaps worse still for the small number of those in whom a somewhat masculine organization may obtain some success in those pursuits altogether foreign to the faculties of their mind. In youth, at maturity, in old age, what shall be the place of those uncertain beings, who are not properly speaking of any sex? By what attraction can they fix the young man who seeks for a companion? What assistance can aged or infirm relatives ex-

pect of them? What pleasure can they diffuse over the life of a husband? Shall we see them descend from the height of their genius to watch over their children and their domestic affairs? All those relations so delicate, which form the charm and which ensure the happiness of woman, exist no longer then: in wishing to extend her empire, she destroys it. In a word, the nature of things and experience equally prove, that, if the feebleness of the muscles in woman forbid her to descend into the gymnasium and the hippodrome, the qualities of her mind and the part which she ought to play in life, forbid her, perhaps more imperiously still, to make a spectacle of herself in the lyceum and the portico."

A learned and philosophical lady is indeed not less out of character, nor less ridiculous, than are those beings originally of opposite sex who lose the characteristics of men to grace an Italian stage. Those are alike monstrous who possess more or less, either physically or morally, than nature prescribes.

It is, indeed, as fortunate as it is true, that women are incapable of such pretended attainments.

How much more beautiful and attractive it is to behold a woman excelling in those languages which are of easy attainment, in the general knowledge which these present, in drawing, in music,

and in the dance, in scrupulous attention to personal propriety, in simple elegance of costume, and in all the lighter domestic arts. Their most charming study is the modest, the winning display of those accomplishments that increase the magic of their charms; their dearest employment is gracefully to flit through all the mazes of the labyrinth of love; and the noblest aim of their existence is to generate beings who, as women, may tread the footsteps of their mothers, or, as men may excel in the higher virtues which these, to them softer and sweeter occupations, render it impossible that they themselves should attain.

In short, the employment of the mind in investigations remote from life,—from procreation, gestation, delivery, nursing and care of children, cooking and clothing appears to be but limitedly allowed to woman.

So natural are these, and so unnatural are mental pursuits to woman, that Mrs. Wolstonecraft does not hesitate to say, that "If we revert to history, we shall find that the women who have distinguished themselves have neither been the most beautiful nor the most gentle of their sex." When a woman, indeed, is notorious for her mind, she is in general frightfully ugly; and it is certain that great fecundity of the brain in women usually accompanies sterility or disorder of the matrix.

The reader is now able to appreciate Mrs. Wol-

stonecraft's assertion that "In tracing the causes that have degraded woman . . . it appears clear that they all spring from want of understanding. Whether this arises from a physical or accidental weakness of faculties, time alone can determine. [It has long since done so.] Denying her genius and judgment, it is scarcely possible to divine what remains to characterize intellect." The reader has seen that, in woman, the sensitive faculties are great and the reasoning ones small; that instinct moreover takes sometimes the place of both; and that on these depend the characteristics of the female mind—its acuteness, its mobility, the quickness and facility of its operations, its tact, its fickleness, its lightness, its graces.

We are boldly told, however, that these are the mere results of education—of the education which men bestow upon them. This is already answered in the surest and best way, by shewing that they spring from organization. I add, however, Rousseau's admirable reply.—"Women cease not to cry out that we bring them up to be vain and coquets, that we amuse them perpetually with puerilities in order to remain more easily their masters: they tax us with their faults. What folly! Since when is it that men have interfered with the education of girls? What prevents mothers from bringing them up as they please?—There are no colleges for them: great misfortune! Oh! Would to

God that there were none for boys! they would be more sensibly and more honestly brought up. Do we force your daughters to waste their time in sillinesses? Do we compel them, in spite of themselves, to pass half their lives at their toilet after your example? Do we prevent you from instructing them and causing them to be instructed according to your own will? Is it our fault if they please us when they are beautiful, if their affectations seduce us, if the art which they learn from you attracts and flatters us, if we love to see them dressed with taste, if we permit them at leisure to sharpen the arms with which they subjugate us?—Well, adopt the plan of bringing them up like men; they will consent to it with all their hearts. But the more they would resemble them, the less they will govern them.

"To cultivate, then, in woman, the qualities of men, and to neglect those which are proper to them, is evidently to labour to their disadvantage. The cunning ones see this too well to be its dupes; in trying to usurp our advantages, they do not abandon their own; but thence arises that, not being able to manage both, because they are incompatible, they remain below their own capacity, without reaching ours, and lose half their value. Trust to me, judicious mother, do not make of your daughter an honest man, as if to give the lie to nature; make her an honest woman; and be as-

sured that she will be of more worth both to herself and to us.

And it is after all this, that Mrs. Wolstonecraft says, "I still insist, that not only the virtue, but the knowledge of the two sexes should be the same in nature, if not in degree!"

Other qualities, indeed, contribute as much to woman's happiness as wisdom; and, therefore, I do not dislike the following answer of the beautiful, accomplished and unfortunate Queen Mary to the agent of the ugly, malignant and vicious Elizabeth. —When one of the Cecil family, a minister from England to Scotland in Mary's reign, was speaking of the wisdom of his sovereign, Elizabeth, Mary stopped him short, by saying "Seigneur Chevalier, ne me parlez jamais de la sagesse d'une femme; je connois bien mon sexe, la plus sage de nous toutes n'est qu'un peu moins sotte que les autres."

Nay, we may venture to assert, that a high degree of intellect would ensure the misery of woman. It would be easy to show, says Dr. Brigham, "that efforts to make females excel in certain qualities of mind, which in men are considered most desirable, to make them as capable as men of long-continued attention to abstract truths, would be to act contrary to the dictates of nature, as manifested in their organization, and would tend to suppress all those finer sensibilities, which render them, in every thing that relates to senti-

ment and affection, far superior to men." Such education is, indeed, incompatible with the due exercise of their vital, and most important system; and it requires a developement of the head which is often fatal in parturition.

There is, however, a view on this subject, which seems never to have been taken, and which may perhaps constitute an addition to the philosophy of Epicurus.

The toil in advancing knowledge is for man; enjoyment of all it brings, for woman. It should be asked—In how many men out of all that live, is the mind employed for any other direct purpose than vital enjoyment? And, in those who employ mind directly to obtain truth, freedom, justice, how many deem these only the means of procuring peace, plenty, &c.—in short, of supplying vital wants just as those do who take a directer course.

It would appear, that he who labours with his head has the same ultimate object as he who labours with his hands. The object of both is life or vitality. It follows, then, that woman who has the largest vital system, is in the largest enjoyment of that for which man struggles so variously,—that nature has secured her the quiet possession of all this without labour or study, on account of the paramount importance of her vital system, and has only cast a glory over mental pursuits to seduce man into struggles which were useful to the

security and enjoyment of her favourite, woman.—Is not mind a means only?

Does an immortality of any useful kind to the philosopher attach to his labours?—What know we of the mother and the grandmother of Grecian genius and art—of Egypt and of India? Were prospective objects to be named at the same time with the substantial benefits which the men of those times and countries enjoyed? Were any of the benefits they earned of equal importance with shelter, clothing, food, and all that was necessary to life.

"But see," I shall be told, "what mind atchieves: see the difference between the savage and the civilized being!" That, however, does not alter their common object: with slight modifications, it is chiefly the same enjoyments: how easy to dispense with all others—how impossible with these!—"But the mental pursuit is itself delightful!" True, it has its moments, its days of delight. Yet is it not unfair to ask—what means of permanent happiness does it provide for the pursuer? What has been the fate of the majority of those who have laboured for the happiness of mankind?

I suspect that, after all, women have the best of life. It looks as if woman were in possession of most enjoyment, and as if man had only an illusion held out to make him labour for her!

PART II.

MORALS.

THE natural sensibility, feebleness and timidity of woman lead her instinctively, and with little aid from reasoning, to observe the circumstances which prompt mankind to act, inspire her with a SENSE OF WHAT IS FITTING, induce her imperceptibly to measure her procedure and graduate her language, and imbue her with the spirit of society.

Women are accordingly peculiarly sensible to ridicule, and attach great importance to little faults. They are less influenced by the great qualities that more than atone for these. Nay, they often laugh at them; and it is very probable, as St. Lambert observes, that Xantippe made fun of Socrates, and that the patrician women of Rome told very amusing tales of Cato.

The further necessity of woman's placing her weakness in safety—a necessity perpetually felt, and therefore requiring little to be reasoned, leads her instincitvely to regulate her language and ac-

tions more particularly for the purpose of pleasing, and renders her an adept in the art of POLITENESS.*

It is natural, therefore, that, while the politeness of men is more officious, that of women should be more caressing, better calculated to soften even the most rugged character.—As to their politeness to each other, that is altogether a different affair.

As the faculties of woman thus lead her instinctively to please, there arises in her a sentiment which induces her to seek approbation even by the influence of external appearances, to pay attention to her person and her dress, and to direct all the powers she can derive from these, to the purposes of combat and conquest. This sentiment is VANITY.

Even at an early age, girls become evidently interested about the impressions which they make on those around them. Not contented, says Rousseau, "with being pretty, they wish to be thought so; we see by their little airs that this

* It is the instinctive faculties of women, as well as the other qualities already described, that "fit them better for passing from the lowest to the highest ranks: this explains to us, why an almost uneducated girl becomes quickly a very charming wife when fortune smiles upon her, and how it is that a female suddenly raised to rank imbibes without effort the sentiments of her new condition, and has rarely the awkwardness and rude manners that distinguish those men whom chance has placed in a similar position."

care already occupies them; and scarcely are they capable of understanding what is said, when they may be governed by telling them what is thought of them. The same motive very indiscreetly proposed to little boys, has no such influence over them. Provided they are independent, and have their pleasure, they care very little about what may be thought of them. It is only time and suffering that subject them to the same law."

A more striking illustration of the power of vanity in woman, can scarcely be given than that when a collection of three hundred and fifty pounds was made for the celebrated Cuzzona, to save her from absolute want, she no sooner got the money into her possession, than she laid out two hundred pounds of it in the purchase of a shell cap, which was just then in fashion!

So powerful is vanity in woman, that it is chiefly when her self-love is offended that her obstinacy becomes excessive, and this obstinacy yields the moment such offence is removed by deference and homage.

As Madame de Stael has discussed the subject of vanity in woman with a knowledge to which no man, nor any woman but a French one, can pretend, I here follow her.

"When women strive to form connections more extended or more brilliant than those which arise

from the tender feelings they naturally create in all that surround them, they seek to derive approbation from vanity.* Those struggles by which men sometimes gain honour and power, never gain for women more than an ephemeral applause, and a reputation for intrigue—a species of triumph resulting from vanity.

"There are women who are vain of advantages not connected with their persons, such as birth, rank and fortune: it is difficult to feel less the dignity of the sex. The origin of all women may be called celestial, for their power is the offspring of the gifts of nature: by yielding to pride and ambition, they soon destroy the magic of their charms. The credit they then obtain is fleeting and limited; it never equals in value the consideration derived from extended power; and the approvals they gain are mere triumphs of vanity: they never pre-suppose either esteem or respect for the object to which they are accorded. Women thus excite against themselves the passions of those who wished only to love them. Ridicule attaches to them. Whenever they oppose themselves to the projects and ambition of men, they excite that lively resentment

* Des qu'elles veulent avoir avec les autres des rapports plus étendus ou plus éclatans que ceux qui naissent des sentimens doux qu'elles peuvent inspirer à ce qui les entoure, c'est à des succès de vanité qu'elles prétendent.

which is produced by an unexpected obstacle: if in their youth they meddle with political intrigues, their modesty must suffer; and if they are old, the disgust which they excite as women is destructive of their pretension as men. A woman's face, whatever may be the vigor or extent of her intellect, whatever the importance of the objects that occupy her, is always, in the history of her life, an obstacle or a reason: men have so decreed. And the more decided they are in judging a woman according to the advantages or defects of her sex, the more disgusting it is to them to see her pursue a destiny opposed to her nature.

"It will be readily supposed that these reflections are not intended to deter women from every serious occupation, but from the misfortune of taking themselves for the objects of their efforts. When the part they take in public affairs arises from their attachment to him who directs them, when sentiment alone dictates their opinions and inspires their conduct, they are not departing from the line that nature has traced for them—they love, they are women; but when they give themselves up to an active personal interference, when they wish to refer all events to themselves, and look at them in connection with their own influence and their individual interest, then are they scarcely deserving even of those ephemeral praises which

are the sole reward of successful vanity. Women are never honoured by any kind of pretension: even wit, which seems to offer a more extended career, obtains for them only a momentary elevation to the height of vanity. The reason of this judgment, whether just or unjust, is that men see no kind of general utility in encouraging the success of women in this career, and that every commendation that is not founded on the basis of utility is neither profound, durable nor universal. Chance affords some exceptions: where there are minds carried away either by their talent or character, they will perchance break through the common rule, and applause may occasionally be bestowed upon them; but they cannot escape their destiny.

"Women's happiness suffers by every kind of personal ambition. When they strive to please solely that they may be loved, when this sweet hope is the only motive of their actions, they are employed more in perfecting than in exhibiting themselves, more in forming their minds for the happiness of one than the admiration of all: but when they aim at celebrity, their attempts as well as their successes destroy that sentiment which under different names must always be the destiny of their lives. Woman cannot exist alone; fame itself would be insufficient as a support; the insur-

mountable weakness of her nature and of her position in social order, has placed her in a state of daily dependence from which nothing can free her. Besides, nothing effaces in women that which particularly distinguishes their character. A woman who should devote herself to solving the problems of Euclid, would sigh also for the happiness of those sentiments that women inspire and feel; and when they follow a pursuit that leads them away from it, their melancholy regrets or ridiculous pretensions prove that nothing can supersede that destiny for which they were created.* It may be thought that the self-love of the husband of a celebrated woman, may be flattered by the approbation she obtains; but the applause produced by her success is perhaps more short-lived than the charm derived from the most frivolous advantages.

"Criticisms, which necessarily follow praise, de-

* Une femme ne peut exister par elle; la gloire même ne lui servirait pas d'un appui suffisant, et l'insurmontable faiblesse de sa nature et de sa situation dans l'ordre social l'a placée dans une dependance de tous les jours, dont un génie immortel ne pourrait encore la sauver. D'ailleurs rien n'efface dans les femmes ce qui distingue particulièrement leur caractère. Celle qui se vouerait a la solution des problèmes d'Euclide, voudrait encore le bonheur attaché aux sentimens qu'on inspire et qu'on eprouve; et quand elles suivent une carrière qui les en éloigne, leurs regrets douloureux ou leurs pretentions ridicules prouvent que rien ne peut les dédommager de la destinée pour laquelle leur ame était creé.

stroy the sort of illusion through the medium of which all women require to be seen. Imagination can create and embellish an unknown object by flights of fancy; but whatever has been judged by the world, receives no lustre from it. The intrinsic value remains; yet love is more delighted with that which it bestows than with that which it finds; man revels in the superiority of his nature, and like Pygmalion, bows only before his own creation. Again, if a woman's celebrity attracts homage, it is probably by a sentiment at variance with love: it assumes the forms; but it is only as a means of access to a new kind of influence that each desires to flatter. We approach a distinguished woman as we do a man in office; the language is different, but the motive the same. Sometimes, amidst the extravagance of the honours paid to the woman with whom they are occupied, her adorers mutually inspire each other; but in this sentiment they depend upon each other. The first that depart easily detach those that remain; and she who appears the object of every one's thoughts soon perceives that each is guided by the example of the whole.

"To what sentiments of jealousy and hatred does the triumphant vanity of a woman give rise? What pain does she suffer from the numerous methods that envy adopts to persecute her? The majority of women are against her, either from rivalry, stupidity, or principle.

Women's talents, whatever they may be, always bring disturbance into their sentiments. Those to whom the distinctions of mind are for ever interdicted, find a thousand manners of attacking them, when it is women who possess them. A pretty woman, in making light of these distinctions, hopes to draw attention to her own advantages. Another who deems herself a woman of a singularly prudent and correct understanding, and who wishes, though she has never had two ideas in her head, to be understood to have repudiated what she never comprehended, such a one throws off for a moment her usual insipidity, and finds a thousand subjects of ridicule in the woman whose wit is the life and soul of the conversation. Whilst mothers of families, thinking, and with some reason, that even the approbation gained by wit is not suited to the destiny of women, are secretly pleased to see those attacked who have obtained it.

" Besides, the woman who, attaining a real superiority, may believe herself above the reach of malevolence, and might, by her thoughts, raise herself to the rank of the most celebrated men, yet would never possess the calmness and strength of mind which characterize them. Imagination will always be the chief of her faculties. Her talent may gain by it; but her mind will always be violently agitated, her sentiments troubled by her

fancies, and her actions dependant on her illusions.* In looking back to the small number of women who have had just claims to fame, we shall find that this effort of their nature was always made at the expense of their happiness. Sappho, after pouring forth the sweetest lessons of morality and philosophy, flung herself into the sea from the summit of the Leucadian rock . . . Before entering upon this career of fame, women should reflect that, even for fame itself, they must renounce the happiness and repose destined for their sex, and that in this career there are few situations that can compare with the obscure life of an adored wife and happy mother.

"I have supposed the success of vanity to reach the eclat of a brilliant reputation. But what shall we say of all those pretensions to a miserable literary success for which so many women neglect their sentiments and duty? Absorbed in this interest, they forget the distinguishing characteristic of their sex more than ever did the female

* D'ailleurs, la femme qui, en atteignant à une veritable supériorité, pourrait se croire au-dessus de la haine, et s'élèverait par sa pensée au sort des hommes les plus célèbres, cette femme n'aurait jamais le calme et la force de tête qui les caractérisent. L'imagination serait toujours la première de ses facultés: son talent pourrait s'en accroître; mais son ame serait fortement agitée; ses sentimens seraient troublés par des chimères, ses actions entraînees par ses illusions.

warriors of the times of chivalry: for it is more praiseworthy to share with a lover the dangers that threaten him in the battle field, than to crawl along in the struggles of self-love, to demand sentiment and homage to vanity, and to draw thus from an eternal source in order to satisfy a desire the object of which is extremely confined. The passion that makes women feel the necessity of pleasing by the charms of their persons, presents also a most striking picture of the torments of vanity.

"Observe a woman in the middle of an assembly, who wishes to be thought the handsomest, and who fears that she shall not succeed. The pleasures for which they have all met, exist not for her; she does not enjoy them for a moment; for there is none of them which is not absorbed in the dominant thought and in the efforts she makes to conceal it. She watches the looks, and the slightest evidences of opinion in others, with the scrutiny of a moralist and the anxiety of an ambitious man, and in striving to conceal the torments of her spirit from the eyes of all, she discloses her trouble by an affectation of gaiety during the triumph of her rival, by the loudness of conversation which she strives to keep up when that rival is applauded, and by the overstrained solicitude which she testifies in regard to her. Grace, the supreme charm

of beauty, developes itself only in the repose of temper and of confidence; inquietudes and constraint destroy even those advantages which are your own; the face is changed by the contraction of self-love. This is quickly felt by the female herself, and the chagrin caused by such a discovery still adds to the mischief she desired to remedy. Trouble is added to trouble, and the object in view is further removed by every attempt; and, in this picture, which might be thought merely to represent the history of a child, may be found the sufferings of a man, the movements which conduct to despair and hatred of life: so much do interests increase by the depth of attention bestowed upon them."

Having now seen in what manner woman courts approbation, we may consider the affections which the same instinctive feelings, more promptly than reasoning, lead her to bestow in return.

It is doubtless from the sympathy instinctively excited by the sense of her weakness that woman derives her gentle AFFECTIONS, benevolence, pity, &c.; and these her organization is well calculated to express. Every one, as Roussel observes, feels that a mouth made to smile, that eyes full of tenderness or sparkling with gaiety, that arms more beautiful than formidable, that a voice conveying to the mind only soft impressions, were

not made to ally themselves with violent and hateful passions.

How entirely it is instinctive sympathy that produces these affections, is illustrated by the well-known fact, that the poor and miserable are ever relieved by those who are but a little less poor and miserable: beggars swarm on the evening when the poor man gets his wages; and if the poor woman's hand is still opener than her husband's, it certainly is not because she reasons better but because her instinctive sympathies are greater.

Woman's pity is more tender, more indulgent, and even more constant than man's; and the acts which spring from it under the guidance of instinct, are almost instantaneous. So powerfully opposed is this feeling to cruelty, that, as Voltaire observes, "you will see one hundred hostile brothers for one Clytemnestra. Out of a thousand assassins who are executed, you will scarcely find four women.

The same weakness, however, which, by sympathy, produces benevolence and pity, sometimes, by fear, produces revenge; and every body knows—

——— "Furens quid fœmina possit."

The SENTIMENTS of woman result from the union of these powerful instinctive affections with her feebler intellectual operations These sentiments have accordingly been observed to be less con-

nected with the operations of the mind of woman than with the impressions made on it by those who have suggested these operations. St. Lambert, therefore, makes Ninon say, "we must always appear to feel rather than to think . . . A sentimental air is the most powerful of all our charms."

It is this which renders women unjust, and which leads the same writer to say, that "a just man is very rare, but a just woman still more so. . . Your pity and benevolence often interfere with your justice. When your own interest does not make you unjust, the interest of others makes you so. When you take part in any affair, you take the side, not of him who is right but, of him who pleases you most."

In illustration of this, it is well observed, that Phryne thought Lycurgus and his laws had produced only a nation of boobies, because the young Spartans she met at Corinth did not appear to be struck with her beauty; and Ninon de l'Enclos, in spite of her talents, denied to Richelieu common sense, because he preferred Marion de l'Orme to her.—In this, the prevalence of instinct is obvious.

In our own country, an example of a more serious character shows that, when women attempt to reason, this is coloured with sense and sentiment, if not with passion.

Mrs. Macauley, for instance,—that boast of fe-

male genius in England, in her observations on Lord Bacon, commits what I cannot help considering as one of the most flagrant instances of a violation of female propriety and decency of language that is upon record.

"Thus ignominious," says she, "was the fall of the famous Bacon, despicable in all the active parts of life! and only glorious in the contemplative. Him the rays of knowledge served but to embellish, not enlighten!! and philosophy itself was degraded by a conjunction with his mean soul!!!"

And who is the being who dares thus, I may say sacrilegiously, to asperse the greatest and one of the best men the earth has produced? A woman, forsooth, who having, in what she called a "History of England," degraded the dignity of that species of writing, by relating trivial and domestic events in the most vulgar language, and having gratified a zeal which dishonours the cause of liberty by employing, in the blindest and most indiscriminate way, the abusive epithets of villain, slave, &c., is restrained by no modesty or sense of shame on any subject she considers. She hesitates not to write of Essex's insufficiency; she unhesitatingly tells us, that the king's letters to Villiers were indecent, and contained many unusual expressions of love and fondness; and, though even some male historians have delicately waived the subject, she very plainly says,

that the connection between the king and Buckingham was not mere friendship but vice.

Never was there a better proof than this of the danger of women abandoning their proper province in life. In Mrs. Macauley's case, those emotions which nature implanted to excite her to domestic happiness and the propagation of her kind, are converted into rage and malignity, or at the best are perverted to pursuits of which woman is incapable, and burst out in unbecoming, and, for a lady, indecent language, respecting one person worthy of her profoundest veneration, and others unworthy even of her notice. Such language ever indicates that fury of perverted female passion which is liable to still worse and more degrading displays.

Of the FRIENDSHIP of woman, little that is favourable, I believe, can be said. Let us first understand its nature.

Love, we know, implies difference of sex; friendship, I believe, implies, or supposes, its absence. Love is a vital passion; friendship, an intellectual one. Friendship, therefore, is little suited to the unintellectual and instinctive faculties of woman.

Love, therefore, exists toward woman alone; friendship toward man chiefly—in the highest degree toward man solely, because his mind renders him its suitable object. It indeed appears to me that when friendship exists toward woman, it is

generally toward the least loveable—toward those who "have neither been the most beautiful nor the most gentle of their sex."

I frankly confess that the only kind of women with whom I ever formed any thing like friendship, were ugly and clever old maids, women whom it was impossible to love, women who more resembled men, because the absence of all erotic feeling had enabled them to employ what brain they had in a masculine way. I never could have dreamt of choosing, as a mere friend, a being with great sensitive and small reasoning faculties, and still less with vastly developed vital organs.

It appears to me, therefore, that a truly loveable woman is thereby unfitted for friendship; and that the woman fitted for friendship, is but little fitted for love.

But it may be said—what then is the bond between the husband and wife in whom the period of love has passed?—Habits endeared by all the recollections of past love; the wants, inseparable from existence, that spring out of these; and where there are also children, ties as powerful, perhaps, as those between parent and child.

It is in a spirit perfectly philosophical that Moore says:—

> "When time, who steals our years away,
> Shall steal our pleasures too,
> The memory of the past will stay,
> And half our joys renew."

Rousseau adds, "When love hath lasted as long as possible, a pleasing habitude supplies its place, and the attachment of a mutual confidence succeeds to the transports of passion. Children often form a more agreeable and permanent connection between married people, than even love itself."

Between women themselves, there is little or no friendship, because they have but one object. It is well observed, that the only bonds sufficiently strong to retain them are love secrets, which each is fearful the other may disclose; and that their friendships never go the length of sacrificing a passion to each other.

"The first necessity of a friendship amongst women," says Madame de Stael, "is habitually the desire of reposing confidence; and that is then only a consequence of love. A similar passion must occupy both of them; and their conversation is frequently only a sacrifice alternately made by her who listens, in the hope of speaking in her turn. The confidence made to each other of sentiments of a less exclusive nature, has the same character, and whatever refers solely to one is alternately tedious to each.

"As all women have the same destiny, they all tend to the same point; and this kind of jealousy, which is a compound of sentiment and self-love, is the most difficult to conquer. There is, in the

greater number of them, an art which is not exactly falsehood, but a certain arrangement of truth, the secret of which they all know, though they hate its being discovered. The generality of women cannot bear endeavouring to please a man in the presence of another woman: there is also a fortune common to all the sex in agreeableness, wit and beauty, and every woman persuades herself she gains something by the ruin of another."*

Montaigne regards woman as incapable of true friendship; deems her mind too weak and too much inflamed by trifling jealousies of other women; and thinks that it is only in men and children that that feeling rises to heroism.

PHILANTHROPY, PATRIOTISM and POLITICS, not being matters of instinct, but of reason, are unsuited to the mind of woman, conducted as it best is by particular ideas, and incapable as it is of generalizing. It is by that faculty alone that man can pass from individuals to nations, and from nations to the human race, both at the present time and during the

* Il y a, dans la plupart d'entre elles, un art qui n'est pas de la fausseté, mais un certain arrangement de la vérité, dont elles ont toutes le secret, et dont cependant elles détestent la découverte. Jamais le commun des femmes ne pourra supporter de chercher à plaire à homme devant une autre femme; il y a aussi une espèce de fortune commune à tout ce sexe en agremens, en esprit, en beauté, et chaque femme se persuade qu'elle hérite de la ruine de l'autre.

future. The mind of woman, on the contrary, rejects such extended views; and it has been truly said, that to her one man is more than a nation, and the day present than twenty future ages.

The public relations which arise out of this mental difference in the sexes, are noticed by Kaimes, when he says, "The master of a family is immediately connected with his country: his wife, his children, his servants, are immediately connected with him, and with their country through him only. Women accordingly have less patriotism than men; and less bitterness against the enemies of their country."

The imprudent advocates of the rights of woman nevertheless contend for her right to legislate, &c. —"I really think," says Mrs. Wolstonecraft, "that women ought to have representatives, instead of being arbitrarily governed without having any share allowed them in the deliberations of government."

On this subject I have *elsewhere* observed that, as to those who actually desire to make representatives and senators of women, they surely forget that though, in such assemblies, an ugly woman might be harmless, a pretty one would certainly corrupt the whole legislation! To a certainty, the prettiest women would always be sent in as representatives, instead of the most intelligent ones;

because, if they *would* but obey instructions, and *could* but understand them sufficiently to state them, their constituents might certainly, through them, command whatever they desired. The handsomest women, then, would infallibly be in requisition from all quarters as members; and, in consequence of the furtive glances and the whisperings of love, &c. &c., the house would soon merit a character still worse, if possible, than its present one.

This system would, moreover, be rendered very inconvenient by the little indescribable accidents which at all times attend the health of women, and more especially by some of the symptoms of pregnancy, by some of the slight diseases of gestation, or even occasionally perhaps by premature parturition, which might easily be occasioned by a variety of accidents. Were, moreover, a tendency to the latter to spread rapidly among the congregated female senators, as it does sometimes among the females of inferior animals, what a scene would ensue! A few midwives, to be sure, might be added to the officers of the house. Thus a man might have the glory, not merely of having died, like Lord Chatham, in the senate, but of having been born there!

The advocates of this system may mean, indeed, that no woman who is not ugly, and more than

fifty, should be returned; but then one is at a loss to see what would be gained by that, for the honourable house has always been, to a vast extent, composed in that very way.

There have been vaunted, indeed, several women who have been illustrious as queens; but that "men govern when women reign," is the reason which has been rightly given for this, and which we know to be true in every instance. Let us examine this in relation to the most celebrated of these women, the daughter of good Harry the Eighth, which I have also noticed *elsewhere.*

We must here distinguish between the personal character of Elizabeth and that of her ministers—between the folly of the queen and the wisdom of her government.

On the subject of Elizabeth's character, Hume relates circumstances which prove her to have been irrascible and vulgar, avaricious, lustful, deceitful, lying, malignant, treacherous, and a murderer, and then he unblushingly sums up all as constituting a very excellent queen! Such general and vague language as this constitutes the basest flattery to princes, their memory, their succession and their office; and reminds us that there is no prince who is not a hero, and almost a god, among his flatterers, however vicious, incapable and contemptible he may be.

Displeasure with the conduct of the preceding reign and compassion for Elizabeth, rendered her accession popular.

That Elizabeth, however, was at heart a papist, there are many reasons to suppose.

At one period, she is said by Camden, to have conformed to the popish church. "The Lady Elizabeth," he says, "guiding herself as a ship in tempestuous weather, both heard divine service after the Romish manner, and was frequently confessed; and at the pressing instances and menaces of Cardinal Pole, through fear of death professed herself a roman catholic." She also kept a crucifix, images, and lighted candles, in her closet, to aid her devotions. She likewise prohibited her chaplain from preaching against the sign of the cross. The surplice, the cope, and other vestments, rejected by Edward, were, moreover, restored by her. Finally, she insulted the married clergy.

The dissenters, on one hand, blame her for making the liturgy of King Edward less decidedly protestant, and more palateable to the romanist. The papists, on the other, describe her as probably indifferent to all religions, but as inclined by taste to the roman catholic, and by interest to the protestant.

When these testimonies are added to that of

Camden, and to all the facts and circumstances of the case, there is little room for doubt on this subject.

The accession of Elizabeth, however, was, on the ground of illegitimacy, &c. opposed by the the pope. Compelled, therefore, by interest, and in direct opposition to her religious sentiments, she attached herself to the leading persons of the protestant party, and necessarily re-established that form of faith—a matter, as has been observed, of no difficulty, when the English were contented to change their religion with every new sovereign, and when many of the most powerful persons were well disposed to it.

Among those leading protestants, Sir William Cecil had obtained her confidence by assiduous attention during her sister's reign, when it was dangerous to appear her friend. The protestant Sir William Cecil, afterwards Lord Burleigh, became, therefore, her principal minister: he was unquestionably the first statesman of the age, and the policy of that reign was indisputably his.

Now, though his authority with her was never entirely absolute, yet it seems chiefly to have failed when she was influenced by her worthless lovers.

For Leicester, her passion made her risk at once her crown and the liberties of England, when she

entrusted to so incapable and worthless a man the command of her new-raised armies, in opposition to 50,000 veteran Spaniards, led by experienced officers, and commanded by the Duke of Parma, the greatest general of the age. Even Hume allows, that, at the time, all men of reflection entertained the most dismal apprehensions on this account; and he thinks her partiality might have proved fatal to her, had Parma and his troops been able to land.—Essex, another of those lovers, daily acquired an ascendency over the minister; and, by exerting a little prudence, would ultimately have subverted Burleigh's authority.—These facts are undeniable; and many more of the same kind might be quoted.—And we talk of Messalina and of Catherine!

It as undeniably follows, then, that to Burleigh's early attentions to her, and to his talents, England owed all the happiness of the reign; and to her natural disposition, the disasters with which it was threatened, and which by him were averted. Let us not, then, speak of the happiness of her reign—but of his administration, which continued during the whole of that reign, except the last four years and a half.

That these plain truths should not have afforded this obvious induction to so dispassionate an historian as Hume, is amazing; and not less so is it,

that he should record of this queen such consummate vice and abandonment, and yet struggle to ally all her actions with moral or political virtue.

He tells us she was so passionate and vulgar as to beat her maids of honour.

Her avarice, in some measure, he allows, induced her to take £100,000 from the booty of Raleigh, and to countenance Drake's pillaging the Spaniards even during peace; and the same passion prevented her love for Leicester going further than the grave,—for she ordered his goods to be disposed of at a public sale, to reimburse herself of some money which he owed her.

But violent as this passion was, it was still weaker, as Hume observes, than her lustful appetite; for it is computed by Lord Burleigh, that, not to mention Leicester, Hatton, Mountjoy, and other paramours, the value of her gifts to Essex alone amounted to £300,000.

Hume also informs us, that "her politics were usually full of duplicity and artifice," and that they "never triumphed so much in any contrivances as in those which were conjoined with her coquetry."

He further shows us, that she had an utter disregard for truth, by stating, that, after promising to support the Scottish malcontents, she secretly seduced the leaders of them to declare, before the ambassadors of France and Spain, that she had not incited them; and, the instant she had extorted

this confession, she chased them from her presence, called them unworthy traitors, and so forth.

Hume also tells us, that malignity made an ingredient in her character.

Her conduct to Mary proves her capable of the basest treachery, and of deliberate murder.

Now, with such an avowed accumulation of vice —with vulgarity, avarice, lust, duplicity, lying, malignity, treachery, and murder, no excellence is compatible. Mr. Hume and others may, if they please, applaud in her that force of character which is indeed necessary to virtue as well as to vice, but which in her, as it led only to the perpetration of crimes, is infinitely more deserving of blame than of applause.

A very brief examination of her conduct to Mary will confirm the previous conclusions, if (directly drawn, as they are, from facts, which are in themselves undeniable) they admit of further confirmation.

Her jealousy of Mary's title to the English crown made her encourage religious dissensions in Scotland, and commence a train of persecution, the malignity of which no historian can deny.*

* With equal malignity, we are told, she persecuted the Lady Catherine Grey and her husband Lord Herbert, who were also heirs to the crown. As her habits and her temper were at variance with all prospect of progeny, she resolved that none who had pretensions to the succession should ever have it in heir.

She next recommended, as a husband for Mary, her own paramour, the Earl of Leicester; and then receded from her offer.

When afterwards she had induced her to marry Darnley, and heard that all measures were fixed for the espousal, she exclaimed against it, and with great cruelty persecuted the family of that man.

Without the shadow of justice, she, at a subsequent period, made Mary her prisoner, refusing to liberate her unless she resigned to her her crown, and basely kept her a prisoner during eighteen years.

By her cruelty, she indirectly aided in exciting conspiracies in favour of that princess; and when, as all natural law entitled her, Mary acceded to one (we shall suppose this to be true—there is no proof of it) which in liberating her must have destroyed her oppressor, that oppressor became her executioner.

Hence Mr. Southey says, "It is a disgraceful part of English history. . . Elizabeth's conduct was marked by duplicity which has left upon her memory a lasting stain. Nor is the act itself to be excused or palliated."

Nor did her persecution cease here.—She not only avoided to acknowledge Mary's son as her successor, though an unaspiring and peaceable prince; but she kept him in dependence, by

bribing his ministers, and fomenting discontents in Scotland; and she appears to have excited the conspiracy of Gowrie, for seizing his person, if not for taking away his life.—Such and so inveterate was Elizabeth's criminality, notwithstanding the cruelties she had inflicted upon his mother.

We may conclude this view of her character by the relation, nearly in the words of Mr. Hume, of her conduct as to Mary's execution, in which such a concentration of wickedness is exhibited as history perhaps nowhere else presents. The worst of the Roman emperors, whom we hold up as models of criminality, scarcely showed more deliberation in cruelty than this queen.

Elizabeth was observed to sit much alone, pensive and silent, and sometimes to mutter to herself half sentences, importing the difficulty and distress to which she was reduced. She at last called Davison, a man easy to be imposed on, and who had lately, for that very reason, been made secretary; and she ordered him to draw out secretly a warrant for the execution of the Queen Mary of Scots, which she afterwards said she intended to keep by her.—She commanded him, of her own accord, to deliver her the warrant for the execution of that princess.—She signed it readily, and ordered it to be sealed with the great seal of England; and she appeared in such

good humour on the occasion, that she made to him some jocular remarks.—She added, that though she had so long delayed the execution, lest she should seem to be actuated by malice or cruelty, she was all along sensible of the necessity of it.—Davison was aware of his danger, and remembered that the queen, after having ordered the execution of the Duke of Norfolk, had endeavoured, in like manner, to throw the whole blame and odium of that action upon Lord Burleigh. The whole council, however, exhorted him to send off the warrant.—The murder was perpetrated.—When the queen heard of Mary's execution, she affected the utmost surprise and indignation! Her countenance changed;—her speech faltered and failed her;—and, for a long time, her sorrow was so deep that she could not express it, but stood fixed, like a statue, in silence and mute astonishment! After her grief was able to vent, it burst out in loud wailings and lamentations; she put herself into deep mourning for this deplorable event; and she was seen perpetually bathed in tears, and surrounded only by her maids and women. None of her ministers or counsellors dared to approach her; or, if any assumed such temerity, she chased them from her, with the most violent expressions of rage and resentment: they had all of them been guilty of an unpardonable crime, in putting to

death her dear sister and kinswoman, contrary to her fixed purpose and intention, of which they were sufficiently apprised and acquainted. In writing to James on this subject, she appealed to the supreme judge of heaven and earth for her innocence. Her dissimulation, adds Hume, was so gross, that it could deceive nobody, who was not previously resolved to be blinded.*

Such is the relation of this horrible transaction

* On the trial of Babington, Ballard, and twelve officers, as conspirators, it was made to appear that the Queen of Scots, having corresponded with Babington, had encouraged his crime; and it was resolved to bring her to a public trial, as accessary to the conspiracy.

Mary, however, solemnly protested that she had never countenanced any attempt against the life of Elizabeth. "Ever since my arrival in this kingdom," she said, "I have been confined as a prisoner. Its laws never afforded me protection. Let them not now be perverted in order to take my life."

The chief evidence against Mary, we are told, was the declaration of her secretaries, for no other could be produced, that Babington's letters were delivered to her, or that any answer was returned by her.

Such testimony, however, was worthless; because these men were exposed to imprisonment, or even death, if they refused to give the evidence required of them; because they might, to screen themselves, perhaps the only criminals, throw the blame on her; because they could discover nothing to her prejudice, without violating the oath of fidelity which they had taken to her; and because this positive perjury in one instance, rendered them utterly unworthy of credit in another.

This view receives confirmation from the circumstance, that they were not confronted with her, though she desired that they

given by Hume, who is nevertheless the apologist of this queen, and tells us of her extraordinary wisdom.

The boasted speech, in the camp of Tilbury, contains but one thought and expression so good that it is not likely to have been her's: in point of reasoning, however, it bears no comparison with Mary's to Throckmorton, and has no trait of nature about it, but is full of that cant which shows neither a feeling disposition nor goodness of heart.

Elizabeth was indeed a daughter worthy of Harry the Eighth; a sister worthy of the "bloody Mary," who preceded her. The fortune of her reign was owing solely to the wisdom of Burleigh; her posthumous fame, to Camden, Bacon, and other historians; her own actions were one tissue

might be, and affirmed, that they would never, to her face, persist in their evidence.

"I am bound to own," adds the writer of the History of Modern Europe, "that it appears, from a passage in her letters to Thomas Morgan, dated the 27th July, 1586, that she had accepted Babington's offer to assassinate the English queen."—But this conclusion is most unwarranted, since it is founded only on this sentence—"As to Babington, he hath kindly and honestly offered himself and all his means to be employed any way I would. Whereupon, I hope to have satisfied him by two of my letters since I had his."—There is no sort of proof, however, that Babington's "offer" to Mary, here alluded to, was one to assassinate Elizabeth!—"But," says the same writer, "the condemnation of the Queen of Scots, not justice, was the object of this unprecedented trial."

of iniquity; and her miserable death was the proper sequel of such a life.

"Few and miserable," says the historian, "were the (latter) days of Elizabeth. Her spirit left her; and existence itself seemed a burden. She rejected all consolation: she would scarcely taste food, and refused every kind of medicine, declaring that she wished to die, and would live no longer. She could not even be prevailed on to go to bed; but threw herself on the carpet, where she remained, pensive and silent, during ten days and nights, leaning on cushions, and holding her fingers almost continually in her mouth, with her eyes open, and fixed on the ground. Her sighs, her groans, were all expressive of some inward grief, which she cared not to utter, and which preyed upon her life."*

* Sir Walter Scott gives nearly a similar account of this bad woman:—

"With all the prejudices of her subjects in her own favour, Elizabeth would fain have had Mary's death take place in such a way as that she herself should not appear to have any hand in it. Her ministers were employed to write letters to Mary's keepers, insinuating what a good service they would do to Elizabeth and the Protestant religion, if Mary could be privately assassinated. But these stern guardians, though strict and severe in their conduct towards the queen, would not listen to such persuasions; and well was it for them that they did not, for Elizabeth would certainly have thrown the whole blame of the deed upon their shoulders, and left them to answer it with their lives and fortunes. She was angry with them, nevertheless,

In concluding, then, as to this point, I may observe, that it would be just as rational to contend for man's right to bear children, as it is to

for their refusal, and called Paulet a precise fellow, loud in boasting of his fidelity, but slack in giving proof of it.

"As, however, it was necessary, from the scruples of Paulet and Drury, to proceed in all form, Elizabeth signed a warrant for the execution of the sentence pronounced on Queen Mary, and gave it to Davison her secretary of state, commanding that it should be sealed with the great seal of England. Davison laid the warrant, signed by Elizabeth, before the privy council, and next day the great seal was placed upon it. Elizabeth, upon hearing this, affected some displeasure that the warrant had been so speedily prepared, and told the secretary that it was the opinion of wise men, that some other course might be taken with Queen Mary. Davison, in this pretended change of mind, saw some danger that his mistress might throw the fault of the executiou upon him after it had taken place. He, therefore, informed the keeper of the seals what the queen had said, protesting he would not venture further in the matter. The privy council having met together, and conceiving themselves certain what were the queen s real wishes, determined to save her the pain of expressing them more broadly, and (resolving that the blame, if any might arise, should be common to all), sent off the warrant for execution with their clerk, Beal. The Earls of Kent and Shrewsbury, with the high sheriff of the county, were empowered and commanded to see the fatal mandate carried into effect without delay.

"Queen Elizabeth, in the same spirit of hypocrisy which had characterized all her proceedings towards Mary, no sooner knew that the deed was done, than she hastened to deny her own share in it. She pretended, that Davison had acted positively against her command in laying the warrant before the privy council; and that she might seem more serious in her charge, she caused him to be fined in a large sum of money, and deprived him of his offices and of her favour for

argue for woman's participation in philosophy or legislation.

Abandoning, therefore, all further consideration of subjects so remote from the nature of woman, as friendship, philanthropy, patriotism, and politics, (into which I have been led by their relation to friendship), and passing to such as are more connected with those acts of the mind which were previously noticed, (politeness, vanity, affection and sentiment, which do naturally characterize her), we are first led to her DEPENDENCE ON AND KNOWLEDGE OF MAN, as preliminary to love, and her morals as related either to it or to its consequences.

ever. She sent a special ambassador to King James, to apologize for 'this unhappy accident,' as she chose to term the execution of Queen Mary.

"She was now old, her health broken, and her feelings painfully agitated by the death of Essex, her principal favourite. After his execution, she could scarcely ever be said to enjoy either health or reason. She sat on a pile of cushions, with her fingers in her mouth, attending as it seemed to nothing, saving to the prayers which were from time to time read in her chamber."—What a picture for the infernal regions! where no doubt the ancients would have placed her, in this very attitude, and similarly listening.

On the whole of this statement I must observe, that Scott certainly errs in supposing, that such men as Burleigh and Walsingham had not far higher motives than gratification of their mistress's malignity. They doubtless had in view the interest of Protestantism; and at that time it was worth something.

Here again woman's sense of weakness and inability to act upon the objects around her by force, instinctively lead her to seek for means which are indirect, and to strengthen herself by the aid of man. Wants always felt, and acts almost unconsciously performed, preclude reason. To man, moreover, she discovers that she has other motives of attachment, for instinctive feelings also tell her, that she is the depositary of germs, and is destined for reproduction.

Rousseau, therefore, observes that, "all the reflections of women, in that which does not immediately belong to their duties, ought to tend to the study of men, or to the agreeable acquirements which have only taste for their object. Woman, who is feeble and who sees nothing without, appreciates and judges the powers which she can bring into action to compensate for her weakness; and these powers are the passions of man. Her mechanics are for her more powerful than ours; all her levers tend to shake the human heart. All that her sex cannot do of itself, and which is necessary or agreeable to it, it must have the art to make us desire; it is necessary, then, for her to study profoundly the mind of men, not abstractly the mind of man in general, but the minds of the men who are around her, the minds of the men to whom she is subjected, either by law or by opinion. It is necessary that she learn to pene-

trate their sentiments by their conversation, actions, looks and gestures. It is necessary that by her conversation, actions, looks and gestures, she know how to give them the sentiments which please her, without seeming to think of it. They will philosophize better than she respecting the human heart; but she will read better than they the hearts of men. . . Presence of mind, penetration, fine observation, are the sciences of women; ability to avail themselves of these, is their talent.

So powerful are these means that Cabanis adds, "Vainly would the art of the world cover individuals and their passions with its uniform veil: the sagacity of woman easily distinguishes each trait, and each shade. Her continual interest is to observe men and her rivals; and that practice again gives to this species of instinct a quickness and a certainty which the reasoning of the profoundest philosopher could never attain. Her eye, if we may so express it, hears every word; her ear sees every motion; and, with the very consummation of art, she always knows how to hide this continual observation under the appearance of timid embarrassment, or even of stupidity.

And St. Lambert makes Ninon say, "From our infancy, we study your inclinations, your characters, your passions, your tastes. We learn to guess what is passing in the centre of your hearts by your looks, your gestures, and the tone of your

voice. Your sentiments are exposed to us in a thousand ways; your slightest movements are a language that betrays to us your secrets."

The prevalence of the instinctive faculties in woman, is the reason why, as has truly been observed, "LOVE commences in her more promptly, more sympathetically, and with less apparently of any rational motive;" and the great development of her vital system is the reason why "love, which is said to be only an episode in the life of man, becomes in that of woman the whole romance"—why, "when young, she fondles her doll; at maturity, attaches herself to her husband and children; in old age, when she can no longer hope to please men by her beauty, devotes herself to God, and heals one love by another, without ever being entirely cured of it."

It certainly is not wonderful that, in what they know so well, women should possess a thousand shades and delicacies, of which men are incapable.

Love, then, is the empire of woman. She governs man by the seduction of her manners, by captivating his imagination, and by engaging his affections. She ensures the assumption and some of the terms of power by reserving to herself the right of yielding.

For this purpose, some ARTIFICE is required. Dissimulation, indeed, is inherent in the nature not only of woman, but of all the feebler and gen-

tler animals: and this illustrates its instinctive character.

Artifice, says Rousseau, "is a talent natural to woman . . . Let little girls be in this respect compared with little boys of the same age; and if these appear not dull, blundering, stupid in comparison, I shall be incontestably wrong. [She has all the advantage of instinct on her side!] Let me adduce a single example taken in all its puerile simplicity.

"It is a very common thing to forbid children to ask anything at table; for it is believed that we cannot succeed better in their education than by loading it with useless precepts, as if a little of this or that were not soon granted or refused, without making the child suffer by desire sharpened by hope. Every body knows the device of a boy subjected to this law, who, having been forgotten at table, took it into his head to ask for some salt. I do not say that he could have been quarreled with for asking for salt directly and meat indirectly: the omission was so cruel, that if he had openly broken the law, and without any evasion said that he was hungry, I cannot believe that he would have been punished for it. But the following is the method which, in my presence, a little girl of six years of age made choice of in a case much more difficult; for, besides being rigorously forbidden ever to ask for any

thing, either directly or indirectly, disobedience would have been inexcusable, because she had eaten of every dish except one of which they had forgotten to give her any, and which she coveted much . . . Now, to obtain reparation of this neglect without its being possible to accuse her of disobedience, she made, in pointing with her finger, a review of all the dishes, saying aloud, as she pointed at each, 'I have eaten of that, I have eaten of that;' but she affected so evidently to pass over that of which she had not eaten without saying any thing of it, that some one, observing this, said to her, 'And of that have you eaten?' 'Oh! no,' softly replied the little epicure, casting down her eyes. I will add nothing; compare. This trick was the device of a girl; the other is that of a boy."

The consciousness of weakness in woman, then, leads her instinctively to her dissimulation, her finesse, her little contrivances, her manners, her graces—her coquetry.

By these means she at once endeavours to create love, and not to show what she feels; while by means of modesty she feigns to refuse what she wishes to grant.

How sweetly has this native diffidence been described by Milton!

——————"She heard me thus:
Yet innocence and virgin modesty,

Her virtue, and the conscience of her worth,
That would be woo'd and not unsought be won,
Not obvious, not obtrusive, but retired,
The more desirable—or, to say all,
Nature herself, though pure of sinful thought,
Wrought in her so, that, seeing me, she turn'd;
I followed her; she what was honour knew,
And with obsequious majesty approved
My pleased reason. To the nuptial bower
I led her, blushing like the morn."

This view of the meaning and use of these demonstrations in love, derives the most decided confirmation from the observation of the manners of animals, which at the same time show these demonstrations to be instinctive. Among them, the female also, though she place herself in the way of the male, pretends to submit reluctantly, especially among the polygamous species, in order the more to excite the ardour of the other sex. In the genus canis, this is easily observed; the male always enduring the preliminary threats of the female.

It was wrongly, therefore, that the Cynics regarded modesty as a dangerous allurement, and made it a duty to do every thing that could possibly be done, to banish it from society.

After all this, it is curious that Mrs. Wolstonecraft should say, "A man, when he undertakes a journey, has, in general, the end in view; a woman thinks more of the incidental occurrences, the strange things that may possibly occur on the road, the impression that she may make on her fel-

low-travellers, and above all, she is anxiously intent on the care of the finery that she carries with her, which is more than ever a part of herself, when going to figure on a new scene, when, to use an apt French turn of expression, she is going to produce a sensation.—Can dignity of mind exist with such trivial cares?"—On which no other comment need be made than that women instinctively, or if you please, wisely, seek security, for the maintenance of the progeny which every year of their life is to be engaged in producing.

That this faculty may be abused is true. Hence Diogenes said, Γυναικὶ μὴ πίστευε, μηδ' ἂν ἀποθανῇ:— Trust not to a woman, not even if she were dying.

To the artifice of woman, her CAPRICE suggests many resources. It is nevertheless perfectly natural: extreme delicacy of organization is inseparable from fickleness of affections, and the inconsistency of conduct which it induces.

Hence Virgil says,

——— Varium et mutabile semper
Fœmina. Æn. iv .569.

And Terence,

———Nosti mulierum ingenium?
Nolunt ubi velis: ubis nolis, cupiunt ultrò.

This fickleness and inconsistency, physiologists rightly explain by means of the numerous communications both between the various branches of the great sympathetic nerve, and between these and the branches of the cerebro-spinal system. Hence the

sympathy of the lips, the nipples, and the mammæ, with the clitoris, the ovaries, and the matrix. And hence, at critical periods especially, woman passes suddenly from tears to laughter, and from bursts of passion to transports of love.—This dependence on the vital system is a striking proof of the instinctive character of female caprice.

Women, accordingly, feel the need of frequent lively impressions, or even of serious agitation; and a French writer says that, among his countrywomen, he has known individuals, who, unconsciously actuated by this thirst for emotion, provoked very lively scenes with their lovers, solely to obtain for themselves the pleasure of tears, reproaches and reconciliation: they go even so far as to derive a secret delight from their remorse and repentance.

But, as already said, caprice suggests resources to artifice, and is of great value in love. It represses desires only to render them more vivid, to make opportunity more valuable, to cause it to be profited by when it occurs. It delays the purpose only the better to attain it.

With all this is connected the adoption of those pleasant, playful and sometimes infantile airs, which accompany courtship.

Thus it appears that all the faculties in which woman excels are those which depend chiefly upon instinct: and all those in which she is deficient require the exercise of reason.

PART III.

MARRIAGE.

Among animals, there are species which never marry, and others which do.

Those male animals of which the young are easily fed, as the stallion, the bull, and the dog, never approach the females except when under the influence of the œstrum, never satisfy their desires with one exclusively, rarely if ever repeat the reproductive act with the same individual, and commit the care of the offspring entirely to their temporary mates.

Those males of which the young are more difficultly provided for, as the fox, martin, wild cat, and mole, the eagle, sparrow-hawk, pigeon, stork, blackbird, swallow, &c., at the first period of the œstrum, select one from amongst several females, remain attached even when the time of propagation is passed, journey together, and, if in flocks, side by side, provide mutually for their offspring till the latter can provide for themselves, and at each suc-

ceeding period of œstrum, again yield to love, nor seek a new mate till the former is dead.

Marriage for life is, therefore, as natural to the latter as it is unnatural to the former.

We may now better judge of marriage among mankind.

As marriage, says Hume, "is an engagement entered into by mutual consent, and has for its end the propagation of the species, it is evident, that it must be susceptible of all the variety of conditions which consent establishes, provided they be not contrary to this end.

"A man, in conjoining himself to a woman, is bound to her according to the terms of his engagement. In begetting children, he is bound, by all the ties of nature and humanity, to provide for their subsistence and education. When he has performed these two parts of duty, no one can reproach him with injustice or injury. And as the terms of his engagement, as well as the methods of subsisting his offspring, may be various, it is mere superstition to imagine, that marriage can be entirely uniform, and will admit only of one mode or form. Did not human laws restrain the natural liberty of men, every particular marriage would be as different as contracts or bargains of any other kind or species.

"As circumstances vary, and the laws propose different advantages, we find that, in different

times and places, they impose different conditions on this important contract. In Tonquin, it is usual for the sailors, when the ship comes into the harbour, to marry for the season; and, notwithstanding this precarious engagement, they are assured, it is said, of the strictest fidelity to their bed, as well as in the whole management of their affairs, from those temporary spouses.

"I cannot, at present, recollect my authorities; but I have somewhere read, that the republic of Athens, having lost many of its citizens by war and pestilence, allowed every man two wives, in order the sooner to repair the waste which had been made by these calamities. The poet Euripides happened to be coupled to two noisy vixens, who so plagued him with their jealousies and quarrels, that he became ever after a professed woman-hater, and is the only theatrical writer, perhaps the only poet, that ever entertained an aversion to the sex.

"In that agreeable romance called the History of the Sevarambians, where a great many men and a few women are supposed to be shipwrecked on a desert coast, the captain of the troop, in order to obviate those endless quarrels which arose, regulates their marriages after the following manner: He takes a handsome female to himself alone; assigns one to every couple of inferior officers; and to five of the lowest rank he gives one wife in common.

"The ancient Britons had a singular kind of marriage, to be met among no other people. Any number of them, as ten or a dozen, joined in a society together, which was perhaps requisite for mutual defence in those barbarous times. In order to link this society the closer, they took an equal number of wives in common; and whatever children were born, were reputed to belong to all of them, and were accordingly provided for by the whole community.

"Among the inferior creatures, nature herself, being the supreme legislator, prescribes all the laws which regulate their marriages, and varies those laws according to the different circumstances of the creature.

"But nature having endowed man with reason, has not so exactly regulated every article of his marriage-contract, but has left him to adjust them by his own prudence, according to his particular circumstances and situation.

"Municipal laws are a supply to the wisdom of each individual; and, at the same time, by restraining the natural liberty of men, make private interest submit to the interest of the public. All regulations, therefore, on this head, are equally lawful, and equally conformable to the principles of nature; though they are not all equally convenient, or equally useful to society."

That Hume is wrong in all this, and that mono-

gamy is not merely a social, but a natural institution, I shall now endeavour to show.

The wants which an individual feels at the age of puberty, are ever attended by a sense of corresponding duties, which a brief explanation will show.

The advantages resulting from the state of marriage are, that the two sexes may reciprocally satisfy the natural desires which are felt equally by each, and of which (as I have, in my work on Intermarriage, proved) the gratification is even more necessary to woman than to man; that they may both equally submit the exercise of the reproductive organs to a healthful regularity; that they may equally perpetuate their common species; that they may equally, by respective duties, provide for the children proceeding from their mutual union; that they may equally assist each other throughout life by reciprocal affection and cares; that they may in old age receive the cares and succours of their common progeny; and that they may, in health and well being, reach that age which all these circumstances generally enable married pairs to attain.

Now these reciprocities, and especially the equal satisfaction of the natural desires of which the gratification is most essential to woman, clearly prove that monogamy is the most natural state for man, or that man and woman should in equal number share in the production of progeny.

This law is further illustrated "by the example of apes, which approximate most to our own species, and have only one female at a time, and still more by the example of the great majority of husbands in polygamous countries, who confine themselves to one wife, though they have the opportunity of taking several."

As to the influence of marriage on the social state, it follows, from what has been said as to sexual gratification being more necessary to woman than to man, that the highest degree of domestic peace and social happiness can result only from monogamy, and that a wife will be most chaste where the numerical equality of the sexes requires that institution.

In our climates, the near equality of the sexes admits of no dispute. Indeed, the number of women as regards births, instead of exceeding that of men, is a few less. In England, there are born eighteen boys to seventeen girls, or seventeen boys to sixteen girls; in France, one hundred boys to ninety-six girls; in Europe generally, fourteen boys to thirteen girls; in North America, fifteen boys to fourteen girls; in New Spain, one hundred boys to ninety-seven girls; and in the East Indies, as has been vaguely stated, one hundred and twenty-nine boys to one hundred and twenty-four girls.

The number of men, however, is rendered equal

to, or a little less than, that of women, by destructive trades, navigation, wars, and various accidents. Women also live longer than men.

Every argument, then, proves that for mankind monogamy is a natural law.

Without marriage, it is evident, that there could be no ascertained family, no patrimonial inheritance, no individual property, no labour, no civilization springing therefrom.

History proves that marriage is essential to the well-being of human society, and that celibacy brings ruin upon states. Marriages and population encrease in young and vigorous nations: both diminish in nations which are falling into decay. As to ancient times, Greece and Rome afford well-known examples of this; and, as to modern times, we need only compare Spain, Portugal and Italy, nations of monks and bachelors, with England, Switzerland, Holland, Sweden and the great representative republic of the United States.

For analogous reasons, births are much more numerous in the country than in cities, and even in the suburbs of cities than in their centres.

Everywhere, the rich and voluptuous, eager for enjoyment, plunge into excess, perpetually exceed their pecuniary means, are compelled to look in marriage for nothing but fortune, and must regard children only as a burden.

Celibacy then gradually predominates, and be-

comes the parent of encreased libertinism; gallantry engenders luxury; satiety and disgust render men still more averse to marriage, and create a taste for irregular and criminal indulgencies, which at once enervate the body and debase the mind. Hence, it is under these circumstances, that great political revolutions occur.

In all ages, therefore, and all nations, laws have encouraged marriage.

"Some of the states of Greece affixed marks of disgrace and severe penalties upon the citizens who deferred marriage beyond a limited time; and at Athens, a man could not fill a public office of any trust, unless he was married and the father of children.

"The Romans, adopting the principle of the Grecian lawgivers, gave the utmost encouragement to early marriages. Those fathers who would not suffer their children to marry, or who refused to give their daughters a portion, were obliged to do it by the magistrates. All persons who led a life of celibacy were incapable of receiving any legacy, except from near relations; and if they were married, and had no children, they could enjoy only half of any estate that might be left them. Women under forty-five years of age, who had neither husband nor children, were forbidden to wear jewels, or to ride in litters.

"Matters of mere ceremony were made useful in this respect.—Married men had the privilege of taking precedence of bachelors, whatever might be their property or connexions; and candidates for public offices, in consequence of having a more numerous family, were frequently chosen in preference to their opponents. The consul who had the most numerous offspring was the first who received the fasces: the senator who had most children had his name written first in the list of senators, and was first in delivering an opinion in the senate. — If an inhabitant of Rome had three children, he was exempt from all troublesome offices."

As princes have derived their revenue from the public acts of mankind, priests have too often sought to derive theirs from the private acts of mankind, and from marriage among the rest. This has not, however, been always tolerated. Many nations, and among the rest, the Tshercassians, use no other ceremony, than the promise before witnesses to be faithful; and the man engages not to take another wife so long as the first lives, unless compelled by some weighty motive. From this, the law of Scotland does not materially differ in spirit, as will be seen in the sequel: marriage is in that country a civil ceremony. Nowhere, indeed, do the Christian Scriptures warrant marriage as a religious one.

Formerly, in many parts of Europe, people of distinction, as well as the commonalty, were married at the church door, it being then an indecency unthought of, to use the church itself as a place for giving men and women leave to go to bed together. In 1559, accordingly, Elizabeth, daughter of Henry II. of France, was married to Philip II. King of Spain, by the bishop of Paris, at the door of the church of Notre Dame.

Gradually, however, custom sanctioned the profitable indecency.

From the nature and the necessity of marriage the question of its duration is inseparable.

Love, says Shelley, "is inevitably consequent upon the perception of loveliness. Love withers under constraint: its very essence is liberty: it is compatible neither with obedience, jealousy, nor fear: it is there most pure, perfect and unlimited, where its votaries live in confidence, equality and unreserve." In the same spirit, Madame de Stael says, "Indissoluble bonds are opposed to the free union of hearts."*

Of these, as general truths, there can be no doubt; but circumstances of great importance occur during married life, and complicate the question. Before considering these, it may be right to hear some of the principal arguments in behalf of unqualified freedom, and of absolute restraint in this respect.

* Les liens indissolubles s' opposent au libre attrait du cœur.

The former may be quoted from Shelley; the latter, from Hume.

How long, then, says Shelley, "ought the sexual connexion to last? What law ought to specify the extent of the grievances which should limit its duration? A husband and wife ought to continue so long united as they love each other: any law which should bind them to cohabitation for one moment after the decay of their affection, would be a most intolerable tyranny, and the most unworthy of toleration. How odious an usurpation of the right of private judgment would that law be considered, which should make the ties of friendship indissoluble, in spite of the caprices, the inconstancy, the fallibility and the capacity for improvement of the human mind. And by so much must the fetters of love be heavier and more unendurable than those of friendship, as love is more vehement and capricious, more dependent on those delicate peculiarities of imagination, and less capable of reduction to the ostensible merits of the object.

"But if happiness be the object of morality, of all unions and disunions,—if the worthiness of every action is to be estimated by the quantity of pleasurable sensation it is calculated to produce, then the connection of the sexes is so long sacred as it contributes to the comfort of the parties, and it is naturally dissolved when its evils are greater than

its benefits. There is nothing immoral in this separation: constancy has nothing virtuous in itself, independently of the pleasure it confers, and it partakes of the temporizing spirit of vice in proportion as it endures tamely moral defects of magnitude in the object of its indiscreet choice. Love is free: to promise for ever to love the same woman, is not less absurd than the promise to believe the same creed: such a vow, in both cases, excludes from all inquiry. The language of the votarist is this: the woman I now love may be infinitely inferior to many others; the creed I now profess may be a mass of errors and absurdities; but I exclude myself from all future information as to the amiability of the one and the truth of the other, resolving blindly, and in spite of conviction, to adhere to them. Is this the language of delicacy and reason? Is the love of such a frigid heart of more worth than its belief?

"I by no means assert that the intercourse would be promiscuous: on the contrary, it appears from the relation of parent to child, that this union is generally of long duration, and marked above all others with generosity and self-devotion."

Now, in all this, we have only general truths; and the important circumstances occurring during married life, those namely that regard progeny, are entirely overlooked.

"If it be true, on one hand," says Hume, "that the heart of man naturally delights in liberty, and hates every thing to which it is confined, it is also true, on the other, that the heart of man naturally submits to necessity, and soon loses an inclination, when there appears an absolute impossibility of gratifying it. [The same argument may be employed in favour of slavery of every description; and its weakness is immediately shown by the confusion into which the writer runs.] These principles of human nature, you'll say, are contradictory. But what is man but a heap of contradictions! Though it is remarkable, that where principles are, after this manner, contrary in their operation, they do not always destroy each other; but one or the other may predominate on any particular occasion, according as circumstances are more or less favourable to it. For instance, love is a restless and impatient passion, full of caprices and variations, arising in a moment from a feature, from an air, from nothing, and suddenly extinguishing after the same manner. Such a passion requires liberty above all things; and therefore Eloisa had reason, when, in order to preserve this passion, she refused to marry her beloved Abelard:

'How oft, when pressed to marriage, have I said,
Curse on all laws but those which love has made:
Love, free as air, at sight of human ties,
Spreads his light wings, and in a moment flies.'

But friendship is a calm and sedate affection, conducted by reason and cemented by habit, springing from long acquaintance and mutual obligations, without jealousies or fears, and without those feverish fits of heat and cold, which cause such an agreeable torment in the amorous passion. So sober an affection, therefore, as friendship, rather thrives under constraint, and never rises to such a height, as when any strong interest or necessity binds two persons together, and gives them some common object of pursuit. We need not, therefore, be afraid of drawing the marriage-knot, which chiefly subsists by friendship, the closest possible. The amity between the persons, where it is solid and sincere, will rather gain by it; and where it is wavering and uncertain, this is the best expedient for fixing it. How many frivolous quarrels and disgusts are there, which people of common prudence endeavour to forget, when they lie under a necessity of passing their lives together, but which would soon be inflamed into the most deadly hatred, were they pursued to the utmost under the prospect of an easy separation? [I have already shown that friendship and love have little or nothing to do with each other. Friendship exists between men: it is love which exists between the two sexes. This argument therefore is worthless.]

"We must consider that nothing is more dangerous than to unite two persons so *closely* in all their interests and concerns, as man and wife, without rendering the union *entire* and total. The least possibility of a separate interest must be the source of endless quarrels and suspicions. The wife, not secure of her establishment, will still be driving some separate end or project; and the husband's selfishness, being accompanied with more power, may be still more dangerous." [The amount of this argument is that, because a *close* union is the most *dangerous* of all things, a *closer* one is *safe*—which is altogether absurd; for if the union and its closeness be the sole *cause* of the danger, the *effect* must increase with every degree of its cause. Mr. Hume, indeed, is pleased to consider a certain degree of union as entire and total, and to suppose that thereby the greatest degree of danger becomes no danger at all! Hume was a sophist—not a profound metaphysician. There never was any "entire and total union" between the sexes; and every day proves it.]

In all this, Hume, no more than Shelley, notices the circumstance of progeny, without which no final conclusion can be attained on the subject. Excepting, however, the error of this great oversight, and the consequences it involves, there is much truth in the following view which Shelley gives us of indissoluble marriage.

"The present system of constraint does no more, in the majority of instances, than make hypocrites or open enemies. Persons of delicacy and virtue, unhappily united to those whom they find it impossible to love, spend the loveliest season of their life in unproductive efforts to appear otherwise than they are, for the sake of the feelings of their partner or the welfare of their mutual offspring: those of less generosity and refinement openly avow their disappointment, and linger out the remnant of that union, which only death can dissolve, in a state of incurable bickering and hostility. The early education of children takes its colour from the squabbles of their parents: they are nursed in a systematic school of ill-humour, violence and falsehood. Had they been suffered to part at the moment when indifference rendered their union irksome, they would have been spared many years of misery: they would have connected themselves more suitably, and would have found that happiness in the society of more congenial partners which is for ever denied them by the despotism of marriage. They would have been separately useful and happy members of society, who, whilst united, were miserable, and rendered misanthropical by misery. The conviction that wedlock is indissoluble holds out the strongest of all temptation to the perverse: they indulge without

restraint in acrimony, and all the little tyrannies of domestic life, when they know that their victim is without appeal. If this connection were put on a rational basis, each would be assured that habitual ill temper would terminate in separation, and would check this vicious and dangerous propensity. . . A system could not well have been devised more studiously hostile to human happiness than marriage."

Nothing, assuredly, "can be more cruel than to preserve, by violence, an union which, at first, was made by mutual love, and is now, in effect, dissolved by mutual hatred," especially if it be unembarrassed by children, and when both parties may find partners for whom they are better fitted. —But let us proceed systematically, and first *historically.*

Among the ancients, it was not unusual to dissolve the marriage-tie by consent of both parties. Voluntary divorces were customary among the Greeks and Romans. They were then at liberty to dispose of themselves as they pleased in a second match.

In Athens, the archon had a summary power of divorce, which was exercised often for very trifling reasons; and voluntary sexual separation, either permanent or temporary, was recognised by the laws.

Plutarch tells us that when Pericles and his wife could not agree, and became weary of one another's company, he parted with her, willing and consenting, to another man.

Cato similarly parted with his wife Martia to Hortensius, which, Strabo says, was agreeable to the practice of the old Romans, and that of the inhabitants of some other countries.

No objection to this can be drawn from the circumstance that, "*during the corruptions of the empire*, Augustus was obliged, by penal laws, to force men of fashion into the married state." It was not facility of divorce, but general corruption, which led to this. Montesquieu accordingly observes that, "The frightful dissolution of manners in Rome obliged the emperors to enact laws to put some stop to lewdness; but it was not their intention to establish an absolute reformation. Of this, the positive facts related by historians are a much stronger proof than all those laws can be of the contrary." The senate having desired Augustus to give them some regulations in respect to women's morals, he evaded their petition by telling them, that they should chastise their wives in the same manner as he did his! Notwithstanding the severity of the laws, when Septimius Severus mounted the throne, he found no less than three thousand accusations of adultery on the roll,

and was obliged to lay aside his plan of reformation.

As to the assertion of Dionysius Halycarnassæus, that under the more ancient laws of Rome "Wonderful was the harmony which this inseparable union of interest produced between married persons, while each considered the inevitable necessity by which they were linked together, and abandoned all prospect of other choice or establishment," it is at variance both with the statement of Strabo and with the reasoning already employed as to constraint.

In our own times, every person in the great canton of Berne, and in the canton de Vaud, is permitted to obtain four divorces on the score of "incompatibilité des mœurs;" and it is so common for married couples to avail themselves of this law, that the former husband and wife of respectable condition not unfrequently meet at parties, united to different mates; yet we hear no more of the immorality of the modern Swiss than of that of the "Old Romans" mentioned by Strabo.

In France, we are told, it was to avoid an infinity of trials, not only scandalous but obscene and disgusting (accusations and proofs of impotence, &c.), that the constituent assembly instituted divorce in 1790, without requiring the parties to

assign any other reason than incompatibility of temper.

Let us now see the consequence of the abroga tion of that law.

A French peer, the Marquis d' Herbouville, said in the tribune, "Que depuis l'abolition du divorce, les crimes des maris envers leurs épouses et ceux des épouses envers leurs maris furent si fréquents, que le poison semblait faire partie du festin des noces, et le poignard figurer parmis les joyaux du marriage."

Let us see that consequence also as stated by Mr. Bulwer in his sketch of manners in France, which exhibits a state in which every check is set at defiance, and which is therefore much less moral than that of legal and public divorce.

"In a country where fortunes are small, marriages, though far more frequent than with us, have still their limits, and take place only between persons who can together make up a sufficient income. A vast variety of single ladies, therefore, without fortune, still remain, who are usually guilty of the indiscretion of a lover, even though they have no husband to deceive. Many of these cannot be called s—mp—s in our sense of things, and are honest women in their own. They take unto themselves an affection, to which they remain tolerably faithful, as long as it is

understood that the liaison continues. The quiet young banker, stockbroker, lawyer, live until they are rich enough to marry, in some connexion of this description.

"Sanctioned by custom, these left-handed marriages are to be found with a certain respectability appertaining to them in all walks of life. The working classes have their somewhat famous 'marriages de St. Jacques,' which among themselves are highly respectable. The working man, and the lady who takes in washing, or who makes linen, find it cheaper and more comfortable (for the French have their idea of comfort) to take a room together. They take a room; put in their joint furniture (one bed answers for both); the lady cooks; a common ménage and a common purse are established; and the couple's affection usually endures at least as long as their lease. People so living, though the one calls himself Mr. Thomas, and the other Mademoiselle Clare, are married à la St. Jacques, and their union is considered in every way reputable by their friends and neighbours during the time of its continuance.

"The proportion of illegitimate to legitimate children in the department of the Seine, as given by M. Cabrol, is one to two:* add to this propor-

* Naissances par mois—Departement de la Seine.

In marriage . . .	20,782.
Out of marriage . .	10,139.

tion the children born in marriage and illegitimately begotten! [Such is the evil caused by the prevention of divorce!]

"The hospitals of the 'Enfans Trouvés,' which, under their present regulations, are nothing else than a human sacrifice to sensual indulgence, remove the only check that in a country without religion [and, he should have added, where divorce is refused], can exist to illicit intercourse. There is, then, far more libertinage in France than in any civilized country in Europe; but *it leads less than in other countries to further depravity.* Not being considered a crime, incontinence does not bring down the mind to the level of crime. It is looked upon, in fact, as merely a matter of taste; and very few people, in forming their opinion of the character of a woman, would even take her virtue into consideration. Great, indeed, are the evils of this, but *it also has its advantages: in England, where honour, probity and charity are nothing to the woman in whom chastity is not found,—to her who has committed one error, there is no hope,—and six months frequently separate the honest girl, of respectable parents and good prospects, from the abandoned prostitute, associated with thieves, and whipped in Bridewell for her disorders.*

"But the quasi legitimate domesticity consecrated by the name of St. Jacques, is French gallantry in

its sober, modern and republican form: it dates, probably, from the revolution of '89; while the more light and courtly style of gallantry, which you find not less at the Elysée Belleville and the Chaumière than in the stately Hôtels of the Faubourg St. Germain and the Chaussée D'Antin, mingles with the ancient history of France, and has long taken that root among the manners which might be expected from the character of the nation."

Thus the great evil caused by the refusal of divorce in France, is the frightful proportion of illegitimate children.

Now, let us look at the practical effects of a more liberal system even among the savages of the South-Sea Islands.

"Mr. Mariner thinks that about two-thirds of the women are married; and of this number full half remain with their husbands till death separates them; that is to say, full one third of the female population remain till either themselves or their husbands die. The remaining two-thirds are married and are soon divorced, and are married again, perhaps three, four, or five times in their lives; with the exception of a few who, from whim or some accidental cause, are never married: so that about one-third of the whole female population, as before stated, are at any given point of time unmarried.

"With such opportunities of knowing the habits

of the natives relative to the subject in question, Mr. Mariner is decidedly of opinion that *infidelity among the married women is comparatively very rare.*

"If a man divorces his wife, which is attended with no other ceremony than just telling her that she may go, she becomes perfect mistress of her own conduct, and may marry again; which is often done a few days afterwards, without the least disparagement to her character.

"In case of a divorce, the children of any age (requiring parental care) go with the mother, it being considered her province to superintend their welfare till they grow up; and there is never any dispute upon this subject. *Both sexes appear contented and happy in their relations to each other.*

"As to those women who are not actually married, they may bestow those favours upon whomsoever they please without any opprobrium. It must not, however, be supposed that even these women are always easily won; the greatest attention and most fervent solicitations are sometimes requisite, even though there be no other lover in the way. This happens sometimes from a spirit of coquetry, at other times from a dislike to the party, &c. It is thought shameful for a woman frequently to change her lover. Great presents are by no means certain methods of gaining her favours, and conse-

quently they are more frequently made afterwards than before. *Gross prostitution is not known among them.*

"When all things are taken into consideration regarding the connubial system of these people, their notions of chastity, and their habits in respect to it, we shall have no reason to say but what *they keep tolerably well within those bounds which honour and decency dictate;* and if it be asked what effect this system has upon the welfare and happiness of society, it may be safely answered, that *there is not the least appearance of any bad effect.*

"The women are very tender, kind mothers, and the children are taken exceeding good care of."

Among the savages of North America, marriage is an agreement for a time, not a lasting engagement. The reply of an Indian to a missionary on the subject of separation is well known—"My wife and I could not live together; my neighbour was no happier with his; we have changed wives, and are both satisfied."—Their children may perhaps be taken as "good care of" as those of the South Sea Islanders.

All this reminds us of the curious fact, that when, during the emancipation of our North-American colonies, all law was suspended, and lawyers were unemployed, fewest crimes were committed!

On what, then, let us now enquire, is founded the indissolubility of marriage? Is it in any measure justified by the physical changes which take place in woman in consequence of it? By this, and still more by parturition, it may be asserted, that some trifling physical changes are produced; that beauty begins to wane; and that as Montesquieu says, "It is always a great misfortune for a woman to go in search of a second husband, when she has lost the most part of her attractions with another; one of the advantages attending the charms of youth in the female sex being, that in advanced age, the husband is led to complacency and love by the remembrance of past pleasures." But to all this we may reply that the trifling local changes are unattended with any injury in effect; that beauty is often improved by marriage—always, indeed, in well-organized women; and that if a woman go in search of a second husband, it will, in general, be of an older one, and older husbands do not look for—do not desire, the *same* attractions with young ones. A beautiful widow, indeed, is not less disposable than a maiden.

If, moreover, it generally be maturity of age which confers experience on woman, it will be evident why, to men of similar experience, the association of very young women offers only a promise of ignorance, caprice and trouble. Thus,

within moderate limits, it may truly be said, that woman is not the worse of age. At maturity, it is especially to be observed, that the love of pleasure, the knowledge of all its means, the consciousness of all its modifications, and the power of exquisitely enjoying it, are all of them incomparably greater; no jealousy—no irritation intervenes; and even when the forms of beauty lose their purity, and its colours their brilliance, the lover's poetical spirit re-creates them, and he may be said to enjoy pleasures which are not less real, because they are imaginary.

The strongest argument for the duration of marriage, is that gestation, parturition, lactation and the numerous cares that the infant requires, reduce the woman to dependence upon her husband.

As Montesquieu observes, "The natural obligation of the father to provide for his children has established marriage, which makes known the person who ought to fulfil this obligation. The people mentioned by Pomponius Mela, had no other way of discovering him but by resemblance.

"Among civilized nations, the father is that person on whom the laws, by the ceremony of marriage, have fixed this duty; because they find in him the man they want.*

"Amongst brutes, this is an obligation which

* Pater est quem nuptiæ demonstrant.

the mother can generally perform; but it is much more extensive amongst men. Their children, indeed, have reason; but this comes only by slow degrees. It is not sufficient to nourish them; we must also direct them: they can already live; but they cannot govern themselves.

"Illicit conjunctions contribute but little to the propagation of the species. The father who is under a natural obligation to nourish and educate his children, is not then fixed; and the mother, with whom the obligation remains, finds a thousand obstacles from shame, remorse, the constraint of her sex, and the rigour of laws; and besides, she generally wants the means.

"Women who submit to public prostitution cannot have the convenience of educating their children; the trouble of education is incompatible with their station; and they are so corrupt, that they can have no protection from the law."

To the same purport, says Hume, "What must become of the children upon the separation of the parents? Must they be committed to the care of a stepmother, and instead of the fond attention and concern of a parent, feel all the indifference or hatred of a stranger, or an enemy? These inconveniences are sufficiently felt, where nature has made the divorce by the doom inevitable to all mortals; and shall we seek to multiply those inconveniences

by multiplying divorces, and putting it in the power of parents, upon every caprice, to render their posterity miserable?"

And Madame de Stael thus laments the consequences of the dependence of woman.—"The more nature has formed man for conquest, the more obstacles he wishes to find: women, on the contrary, distrust an empire without real foundation, seek for a protector, and fondly put themselves in his power; it is thus almost a consequence of this fatal order that women displease by yielding, and lose the object beloved by the very excess of their devotedness.

"If beauty assure them success, beauty never having a certain superiority, the attraction of fresh charms may dissolve the dearest ties of the heart.

"Unfortunate and sensitive beings! you expose yourselves with unguarded bosoms to combat with men armed in triple mail; remain in the path of virtue, remain under its noble safeguard; there you will find laws to protect you; there your destiny will meet with invincible support; but if you yield yourselves to the desire of being beloved, men are the masters of opinion; they have command over themselves, and they will overthrow your existence in order to enjoy a few moments of their own.

"Doubtless, if a woman meet with a man, whose energy has not destroyed his sensibility,

a man who cannot endure the thought of another's misery, and who makes honour consist in goodness; a man faithful to oaths though public opinion guarantee them not, and who feels constancy necessary to enable him to enjoy the true happiness of loving; she who is the sole beloved of such a man, may triumph in the bosom of felicity over all the systems of reason.*

* Plus la nature l' a fait pour régner, plus il aime à trouver d'obstacles: les femmes, au contraire, se défiant d'un empire sans fondement réel, cherchent un maître, et se plaisent à s'abandonner à sa protection; c'est donc presque une conséquence de cet ordre fatal, que les femmes détachent en se livrant, et perdent par l'excès même de leur dévouement.

Si la beauté leur assure des succès, la beauté n'ayant jamais une supériorité certaine, le charme de nouveaux traits peut briser les liens les plus doux du cœur.

Etres malheureux! êtres sensibles! vous vous exposez, avec des cœurs sans défense, á ces combats où les hommes se présentent entourés d'un triple airain; restez dans la carrière de la vertu, restez sous sa noble garde; là il est des lois pour vous, là votre destinée a des appuis indestructibles; mais si vous vous abandonnez au besoin d'être aimées, les hommes sont maîtres de l'opinion; les hommes ont de l'empire sur eux-mêmes, les hommes renverseront votre existence pour quelques instans de la leur.

Sans doute, celle qui a rencontré un homme dont l'énergie n'a point effacé la sensibilité, un homme qui ne peut supporter la pensée du malheur d'un autre, et met l'honneur aussi dans la bonté; un homme fidèle aux sermens que l'opinion publique ne garantit pas, et qui a besoin de la constance pour jouir du vrai bonheur d'aimer; celle qui serait l' unique amie d'un tel homme pourrait triompher, au sein de la félicité, de tous les systèmes de la raison.

Considering, then, that marriage is the foundation of all the closest relations of life, or those of parent and child, brother and sister, and friendly connections, between the relatives of the parties, it is evident that the tie ought not either to be lightly contracted or with facility broken. Accordingly, the main point of the canon and English law is that the collateral effects of marriage on other persons than those who marry, ought not to be disturbed.

The argument that, "where there is facility for divorce, there is often an inclination for it," is not better than the opposite one, that "the very notion of constraint, of indissoluble bonds, and of a perpetual burden, however slight, renders many miserable who otherwise would not merely be contented, but would fear to lose partners who had become necessary, if not dear, from habit and association."

It is a less equivocal argument which urges that "persons who have thought proper to contract so important an obligation as marriage ought to set before them the necessity of submitting to much abridgment of their natural liberty; that men, to live in society, give up a portion of natural freedom; and that this is more particularly the case in marriage." But this argument is vague, as will now be shown.

The general question of the duration of marriage, or of the justice or expediency of divorce, and of its various degrees of facility or of difficulty, has been greatly complicated and obscured by the neglect of a discriminating and analytical examination.

The consideration of children, in particular, has been introduced as affecting the whole question; whereas it can affect only one of its cases. Assuredly no consideration of children ought to enhance the difficulty of divorce in cases where they do not exist.

It is right, therefore, in the first instance, to discuss the subject of divorce, without reference to children, because such an event may easily precede their procreation. Supposing, then, the non-existence of children, let us examine divorce as unembarrassed by such a consideration.

Divorce, then, seems naturally to be divided into divorce properly so called, and repudiation.

Divorce properly so called, implies the separation of husband and wife by mutual consent. Now, as, in such case, children being absent, there is no third party, nor any degree of that abandoned and unprotected helplessness which might call for the interference of society, it is evident that the whole affair belongs to two independent beings, whose free and full consent can alone, with any justice,

be required in the act of divorce. As in such a case, society have no reasonable claim of interference, so it is fortunate, that they are spared the detail of incompatibilities, of weaknesses, of errors, or of crimes, the habitual relation of which can tend only to familiarize vice, and to corrupt public morals.

Repudiation implies the separation of husband and wife, with the consent of one, and in opposition to the will of the other party. Now, children being absent in this case also, it is, at most, necessary that the accused party should be fairly defended, and that justice should be attained. The satisfactory evidence, therefore, of two or more witnesses may here be required, and it is all that can be required, to substantiate the truth of the accusations adduced, and to vindicate the accuser's claim of repudiation; and if, in this case, it is to be regretted, that the incompatibilities, the weaknesses, the errors, or the crimes of an individual, are rendered the means of public demoralization, it is, at least, satisfactory, that there is, in the interests of that individual, a pledge that this will not be wantonly permitted. But on this point, the reader must refer to the decisive arguments of Milton in Part VI.

Neither divorce nor repudiation ought to be permitted until after a temporary separation of such

duration as shall prove that no progeny is the result of the marriage. And it is to be remembered that childless marriages of long duration are not the interest either of individuals or of society.

The existence of children greatly modifies divorce and repudiation, and ought, unquestionably, to enhance their difficulty. Children constitute a third party, to which the first and second have voluntarily surrendered some portion of their independence—a party which, as it is helpless, demands the interference of a fourth party in society. The new relations thus produced, indicate the mode of procedure required: the new interests must be satisfied.

Hence it seems evident, that divorce and repudiation, where children exist, ought not to be permitted until the children have attained such age that they cannot materially suffer by the separation of those who have produced them, or by the desertion of either of them. Such is the indication of justice which nature affords. The precise age which children must attain, in order to permit divorce between the parents, is a subject for due consideration.—That the child must be able to provide for itself, will give, to the parent desiring to separate, a great motive properly to educate it.

It may be objected, that the refusal of divorce

during any period so long as to answer this purpose, would be a severe infliction on the parents. But this is the natural consequence of their own conduct; it will ensure deliberation in the most important act of life, and it will guarantee society against the offence thrown upon it by levity, folly, and I may almost say crime, in an act so important.

In whatever has now been said, the supposition of all crime or offence on either side, of which laws can take cognizance, is excluded. Offences there are, however, as infidelity to the marriage contract, which facilitate divorce.

A philosophical friend says, "My opinion on the subject is, that there ought to be a full divorce for adultery alone, and that for adultery only on the part of the woman. The reason in which I found this idea, is that it is adultery only on the part of the woman that vitiates the offspring, and consequently defeats the end of marriage, which is the creation of the ties of blood-relationship."

Here, any moral error of licentious intercourse in relation to the immediate and personal feelings of the married parties, and independent of its effects on offspring, is cast out of consideration; and I will, therefore, only remark on this, that, wherever such error is supposed to exist, it is obviously equal on both sides; and the offence of the

woman can in no way be shown to be greater than that of the man in an act in which their participation is equal.

Here, too, if we regard the effects on offspring generally or in relation to society, and not to one only of the particular male parents deceived as to the children, the offence of both parties is equal; for if the woman deceive her own husband, he deceives equally the husband of another woman. There is no difference therefore of moral blame.

When, however, a limited view is taken of the question—when the offence of each member of one couple is considered in relation to the other member, and not to the other family or to society, adultery on the part of the woman has its offensive relation only to her own husband, and it is to him only that its punishment falls, if punishment be justified, precisely as his punishment falls to the husband of the woman with whom he may have committed a similar offence.

But here the actual vitiation of offspring is *supposed*, as enhancing the offence of adultery on the part of the woman. Obviously, therefore, where there is no offspring, there is no enhancement of offence: it is perfectly equal on both sides, as observed in the third paragraph preceding.

It may be replied, "Yes; but there may be progeny, and it may be impossible to say who is

its father."—But I have shown, in my work on Intermarriage, that there can be no difficulty in this, except what arises from wilful ignorance, and that there never was a child which did not strikingly resemble both its parents. It is the interest of fathers to learn where to look for such resemblance: he whom a child does not resemble is not its father.

For this aggravation of offence, then, the woman cannot be justly punished, until its commission is proved; and I shall show, in the sequel, that progeny rarely results from temporary amours.

But nothing can more clearly show the flagrant absurdity of all laws which make divorce difficult or unattainable in common cases, than that the commission of legal offence should render it easy. Here, for a mere error in choice, two persons are doomed while they live to perpetual suffering; and if they will only add to this a crime, they are rewarded by being set free.

Nor is the principle of such savage legislation more absurd than its consequences are deplorable. In cases where divorce is desirable, they hold out encouragement to the commission of such offence as will dissolve the contract; and it is well known that those who otherwise in vain seek for divorce, commit the offence in order to ensure it. Here is a premium offered for the commission of crime.

Such, then, as I previously described, seem to be the whole of the just and natural impediments which ought to be thrown in the way of divorce; and while the removal of the unjust and unnatural restraints of a blind and barbarous legislation would greatly diminish the sum of human misery, the just and natural restraints here proposed would guard against the vice of loose connections and licentious separations.

Having thus examined marriage as it should be, I may next consider briefly the RELATION OF HUSBAND AND WIFE.

It is evident that the man, possessing reasoning faculties, muscular power, and courage to employ it, is qualified for being a protector: the woman, being little capable of reasoning, feeble, and timid, requires protection. Under such circumstances, the man naturally governs; the woman as naturally obeys.

The qualities of sensibility, feebleness, flexibility and affection enable woman to accommodate herself to the taste of man, and to yield without constraint, even to the caprice of the moment. Rousseau beautifully says, "The first and most important quality of a woman is gentleness. Made to obey a being so imperfect as man, often full of vices and always full of faults, she ought early to learn to suffer even injustice, and to bear

wrongs from a husband without complaining. It is not for his sake, it is for her own, that she ought to be gentle. The ill-temper and obstinacy of women never do any thing else than augment their ills and the bad conduct of husbands: they feel that it is not with these arms that they ought to be overcome. Heaven did not make women insinuating and persuasive that they might be peevish; it did not make them feeble that they might be imperious; it did not give them a voice so soft that they might rail; it did not give them features so delicate that they might disfigure them by rage. When they are angry, they forget themselves: they have often reason to complain, but they are always wrong in scolding. Each ought to maintain the character of the respective sex: a husband too mild may render a woman impertinent; but at least, if a man be not a monster, the gentleness of a woman will pacify him, and triumph over him sooner or later."

There is, perhaps, no error in the education of women which is so absurd, or which tends so greatly to the misfortunes we have described, as the lesson which vanity and flattery so often inculcate—that beautiful women are destined to command lovers prostrate and adoring, and husbands respectful and obedient. Or rather, it is perhaps the direct and literal sense in which

they apprehend this flattering tale, which is so fatal to their happiness. A beautiful and amiable woman is indeed destined to command; but it is not because her slightest wish has controuled the lover, that when that wish is re-expressed to the husband, it is to extract an instant and servile obedience: the beautiful and amiable woman stoops to conquer: by gentleness—by obedience, she irresistibly wins her husband to every reasonable desire: and there is none, who is either manly or generous, who would not blush to refuse the boon due to that graceful solicitation or charming seduction, which has gladdened a moment o life.

Some French writer says, "L'empire de la femme est un empire de douceur, d'addresse, et de complaisance; ses ordres sont des caresses, ses menaces sont des pleurs.—The empire of woman is an empire of softness, of address, of compliance; her commands are caresses, her menaces are tears." And is it, I may ask with Rousseau—"Is it so difficult to love in order to be loved, to be amiable in order to be happy, to be estimable in order to be obeyed, to honour one's self, in order to be honoured?"

The immortal religion of the Greeks presents to us Venus as wedded to Vulcan—beauty as wedded to art. And truly it is the art of a beau-

tiful woman that enables her to seize the time, when observations, made as it were accidentally, may produce all the effect which she desires. Rousseau has so philosophically, so truly, and so eloquently described many things on this subject, that his expressions are a portion of moral science never to be omitted. – "This particular address given to woman is a very equitable compensation for her inferior strength; and, without this, woman would not be the companion of man but his slave: it is by this superiority of talent that she maintains her equality, and that she governs in obeying him. Woman has every thing against her, our faults, her timidity, her weakness; she has for her only her art and her beauty. Is it not reasonable that she should cultivate both? But beauty is not general; it is destroyed by a thousand accidents; it passes away with years; habit destroys its effect. The spirit of the sex is its true resource . . . the spirit of her condition, the art of deriving benefit from ours, and of profiting even by our advantages. We know not how much this address of women is useful to ourselves, how much it adds a charm to the society of the two sexes, how much it serves to repress the petulance of children, how much it restrains brutal husbands, how much it maintains domestic management, which discord would other-

wise trouble . . . The woman who is at once virtuous, amiable and prudent, who compels those about her to respect her, and who is reserved and modest, she, in a word, who maintains love by esteem, may cause them to perform the greatest actions, or to submit to the greatest sacrifices. This empire is beautiful, and worth the trouble of being purchased.

Applying this to absurd claims on behalf of woman, Rousseau adds, "All the faculties common to the two sexes are not equally distributed to them; but, taken as a whole, they form a compensation . . . To leave woman above us, therefore, in the qualities proper to her sex, and to render her our equal in all the rest, is nothing else than to transfer to woman the pre-eminence which nature has conferred on man.

It is impossible, however, that there should not occasionally be an approach to feminine mind in men, and to masculine mind in women. Such deviations, indeed, are monstrous and most unfortunate for their subjects. The man with feminine mind is unfit for masculine duties; the woman with masculine mind is unfit for feminine duties.

In spite of these natural facts and rational views, Mrs. Wolstonecraft says, "Why do they not discover, when 'in the noon of beauty's

power,' that they are treated like queens only to be deluded by hollow respect, till they are led to resign, or not assume, their natural prerogatives? Confined then in cages like the feathered race, they have nothing to do but to plume themselves, and stalk with mock majesty from perch to perch. It is true they are provided with food and raiment, for which they neither toil nor spin; but health, liberty and virtue, are given in exchange."

From this one would imagine, that men had entered into a conspiracy to enslave women by the language of admiration and the homage of passion. Now, the very nature of admiration and passion proves the folly of such suppositions: they engross the mind far too completely to admit of the far distant project of ultimate subjugation. They exist, then, and the good or ill they do, exists independently of this: they spring spontaneously from the mind under the influence of beauty: they are as instinctive and irresistible in man as love of her offspring in woman. Moreover, they are excited and cherished by all the art of woman herself. Hence they exist in every nation under the sun, and may be regarded as a general law.

The passionate and unreasoning writers about the rights of woman do not consult her interest when

they demand of man what nature herself denies to woman. The error of such reasoners is the notion that this relation of the sexes belongs to pure reason, whereas the mental functions are here throughout modified by the vital ones. This is dependent on their organization. The vital system is larger in woman and more employed—almost incessantly employed; and this requires her larger organs of sense and smaller brain. Hence her character.

It would be as wild to think of woman competing in the race of intellect with man, as of her superiority in a race achieved by the exercise of her locomotive organs.

If writers of this kind had but observed that the best years of woman's life must be sexually employed in thought, word and deed, they would have seen that mind must have a powerfully marked sexual character.

Madame Roland far more rationally says, "I am frequently sorry to see women contest with your sex privileges so ill-suited to them: there is not one even down to the title of author, in however slight a degree it may be, that does not appear to me ridiculous in them. However truly we may speak of their facility in some points, it is never for the public that they should possess talents or acquirements . . . I can imagine no state more glorious for a woman than to form the happiness

of one, and the bond of union of many, by all the charms of friendship and decency."*

The relations of women to CHILDREN must be noticed.

Even when at play in infancy, children prefer that kind of it which has the greatest relation to their future life. While the boy seeks for vigorous exertion, movement and noise, the girl finds her special amusement in a doll. The day is passed in getting it up, dressing it, giving it nourishment, teaching it to speak, putting it to bed, and governing it in all respects.—"We see her," says Rousseau, "change unceasingly its adjustment, dress and undress it a hundred and a hundred times, seek continually new combinations of ornaments, well or ill assorted it matters not. The fingers want address; the taste is unformed; but already the disposition is manifested. In this eternal occupation, time flows on without her thinking of it; hours pass, and she knows nothing of them; she forgets her repasts

* Il me fâche souvent de voir les femmes vous disputer quelques priviléges qui leur sieyent si mal; il n'est pas jusqu' au titre d'auteur, sous quelque petit rapport que ce soit, qui ne me semble ridicule en elles. Tel vrai qu'on puisse dire de leur facilité à quelques égards, ce n'est jamais pour le public qu' elles doivent avoir des connaissances ou des talents.—Faire le bonheur d' un seul et le lien de beaucoup par tous les charmes de l' amitié, de la décence, je n' imagine pas un sort plus beau que celui là.

even, she thirsts more for ornament than for food. It may be objected that she dresses her doll, not her own person. Undoubtedly, she sees her doll, and she sees not herself; she is all in her doll, she bestows upon it all her coquetry. She will never leave the matter there; she waits the moment of being her own doll herself."

Progressing a little forward, we find that young women, even before they are evidently marriageable, are intensely and irresistibly attracted toward children, and are delighted to be entrusted with them. At the time of nubility, this passion for children becomes greatly increased.—The real destiny of woman is indicated by these circumstances; and thus again are those answered who would confer on woman the same kind of intellect and occupation with man.

Even the feebleness of woman, which these writers deplore, is an essential element of her relations to children, in conception, pregnancy, delivery, lactation and all the cares they subsequently require. Woman herself, therefore, remains almost always a child in regard to her organization, which yields easily to every impulse.

In adult woman, maternal love possesses a force and depth which the corresponding passion in man never approaches. "The senses of the infant," says Cabanis, "do not furnish it with any precise

judgment as to external bodies, and its feeble muscles cannot aid it to protect itself from dangerous shocks, nor even to find the breast which should suckle it . . . Its long infancy, so favourable in other respects to the culture of all its faculties, exacts cares so continual and so delicate that they render almost marvellous the existence of the human species. Shall it then be the father who shall every moment subject himself to this vigilance, and who shall divine a language or signs of which the sense is not yet determined even by the being which employs them? shall he, by a fine and sure instinct, be able to anticipate not only the first necessities unceasingly renewed, but also all the little wants of detail of which the life of the infant is composed? Undoubtedly not. In man, the impressions are not in general sufficiently vivid; the determinations are too slow. The nursling would have long to suffer, before the paternal hand came to solace it; assistance would arrive too late. Observe, besides, the awkwardness and the clumsiness with which a man handles feeble and suffering beings. They run always some risk with him; he hurts them by the rudeness of his movements, or he soils them by the negligent manner in which he gives them food and drink. And when he lifts them up and carries them, we may almost always fear that, occupied with some

other object, he may let them escape from his arms, or may hurt them inadvertently against surrounding objects. Add also, that man is incapable of the minute and varied attention to enable him to think of every thing like a mother and a nurse, and of the patience which overcomes the disgusts inseparable from these employments." In short, the little duties which woman owes to children, are utterly incompatible with masculine faculties of mind. "If, on the contrary, a woman is here in place of man, she seems to feel with the infant; she seems to understand the slightest cry, the slightest gesture, the slightest movement of the countenance or the eyes; she runs, she flies, she is every where, she thinks of every thing; she anticipates even the most fugitive fantasy; and nothing repels her, neither the disgusting character of her duties, nor their number, nor their duration."

Yet Mrs. Wolstonecraft complains that, "In the middle rank of life, men, in their youth, are prepared for professions, and marriage is not considered as the grand feature in their lives; whilst women, on the contrary, have no other scheme to sharpen their faculties." Well, indeed, may this be the case, when the consequences of marriage must necessarily, and almost incessantly, employ every faculty they possess.

I may now add a few words on the proper occupations of woman, as springing from dispositions immediately dependent on her organization.

I need say nothing of her perpetual readiness to treat her husband with kindness.

As man, naturally stronger, is fitted for field exercise, severe labour, and civil and political employments, so the consciousness of muscular weakness renders woman timid and sedentary.

Even as to males with soft fibres and much cellular tissue, it is observed that they require little movement in order to preserve their health, and that when they employ much, their strength is speedily exhausted, and they become prematurely old.

Woman, therefore, is fit only for sedentary occupations, and necessarily remains much in the interior of the house, in which alone her chief duties can be performed.

One of her natural duties which is soonest indicated, is the making of clothes. From the earliest age, indeed, the little girl seeks earnestly a knowledge of the art of dressing and ornamenting her doll. Hence, says Rousseau, "the reason of the first lessons which are given to her. These are not tasks prescribed, but kindnesses conferred upon her. Almost all little girls learn with repugnance to read and to write; but as to

holding a needle, that is what they willingly learn. They anticipate in imagination the being grown up, and they think with pleasure that these talents may one day serve to adorn them . . . This first path being opened, it is easy to follow: sewing, embroidering, lace-making come of themselves. . . This voluntary progress easily extends itself to drawing, for that art is related to dressing with taste. But it is not desirable that they should apply it to landscape, and still less to the figure. Foliage, fruit, flowers, drapery, all that can serve to bestow an elegant form upon dress, and to make for themselves a pattern of embroidery, is sufficient.

Thus the first dressing the doll and afterwards the infant, is the natural origin of woman's duty to prepare the clothing of her family.

As to herself, it is not less her duty to give the same attention to the neatness of her person after as before marriage: we know that ill consequences perpetually result from the neglect of this.

On this subject, Mrs. Wolstonecraft says, "the shameful indolence of many married women, and others a little advanced in life, frequently leads them to sin against delicacy. For, though convinced that the person is the band of union between the sexes, yet how often do they, from sheer

indolence, or to enjoy some trifling indulgence, disgust!

"If men and women took half as much pains to dress habitually neat as they do to ornament, or rather to disfigure their persons, much would be done towards the attainment of purity of mind. But women only dress to gratify men of gallantry; for the lover is always best pleased with the simple garb that sits close to the shape."

Perhaps the most important of her natural duties, though first indicated after that of clothing, is the preparation of food for her family. I call this a natural duty, not merely because it belongs to the domestic occupations which are naturally those of woman, but because it originates in the strictly personal circumstance of suckling her infant. She first nourishes it with milk from her breast. As more abundant or different nutriment is required, she gradually substitutes the milk of the cow. Repeating this for an encreasing family, she is naturally and inevitably led to prepare the food of the whole.

Such is evidently the natural origin of the mother being the sole or chief cook of her family. She who escapes from all these duties is an unnatural being, not a woman; and, that deformity, if not disease, is the punishment of their neglect, is demonstrated in the beautiful forms of the arms in

the pictures of our grandmothers, compared with the shapeless, flaccid and skinny members of the young women of our own times. If any further proof of the truth of this is wanting, it is afforded by the extraordinary and rapid improvement produced by the Indian exercise introduced by Donald Walker in his EXERCISES FOR LADIES. —It would be easy, however, to show that disease as well as deformity is an inevitable result of the neglect of active duties.

Happily, woman, wherever she is uncorrupted by artificial habits, always derives real pleasure from the performance of this duty; and, however she may sometimes be pleased to subdue its expression, a penetrating observer will always discover this. Happily too the fine form of the arms, shoulders and chest, which the natural and good mother thus acquires, she gives to her sons with all the encreased developement which belongs to the difference of sex.

So important a duty is the nourishment of the infant, that, where the mother was wanting, nature has sometimes enabled man to perform it. Dr. M. Good observes, that "Occasionally the lacteal glands in man, or the minute tubes which emerge from them, are more than ordinarily irritable, and throw forth some portion of their proper fluid. And if this irritation be encouraged and supported, there

is no reason why such persons may not become wet-nurses as well as females. And hence Dr. Parr inquires, with some degree of quaintness, whether this organization is allotted to both sexes, in order that, 'in cases of necessity, men should be able to supply the office of the women?'

"The following, from Captain Franklin's Narrative of his Journey to the shores of the Polar Sea, is a beautiful exemplification of what Dr. Parr refers to; and I will not alter the forcible and seaman-like simplicity of the style in which the story is told: 'A young Chipewyan had separated from the rest of his band for the purpose of trenching beaver, when his wife, who was his sole companion, and in her first pregnancy, was seized with the pains of labour. She died on the third day, after she had given birth to a boy. The husband was inconsolable, and vowed, in his anguish, never to take another woman to wife; but his grief was soon in some degree absorbed in anxiety for the fate of his infant son. To preserve its life, he descended to the office of a nurse, so degrading in the eyes of a Chipewyan, as partaking of the duties of a woman. He swaddled it in soft moss, fed it with broth made from the flesh of the deer; and, to still its cries, applied it to his breast, praying to the Great Master of Life to assist his endeavours. The force of the powerful passion,

by which he was actuated, produced the same effect in his case as it has done in some others which are recorded: a flow of milk actually took place from his breast. He succeeded in rearing his child, taught him to be a hunter, and, when he attained the age of manhood, chose him a wife from the tribe. The old man kept his vow in never taking a wife for himself, but he delighted in tending his son's children; and when his daughter-in-law used to interfere, saying, that it was not the occupation of a man, he was wont to reply, that he had promised to the Great Master of Life, if his child was spared, never to be proud, like the other Indians.—Our informant (Mr. Wenkel, one of the association) added, that he had often seen this Indian in his old age, and that his left breast, even then, retained the unusual size it had acquired in his occupation of nurse."

Instead of going into details respecting these or other duties, I need only observe that women soon and easily excel in all domestic occupations, because these chiefly require address, and because that quality depends on a rapid succession of ideas and of movements which have been already described as peculiarly characteristic of woman.

In all ages, this has been more or less perfectly

felt. Hence Homer makes Hector say to Andromache :—

————Εἰς οἶκον ἰοῦσα, τὰ σαυτῆς ἔργα κόμιζε,
Ἱστόν τ', ἠλακάτην τε, καὶ ἀμφικόλοισι κέλευε
Ἔργον ἐποίχεσθαι. Il. Z. 490.

Go home and pursue your own employments, the web and the distaff, and order your handmaids to busy themselves about their work.

PART IV.

MATRIMONIAL SLAVERY.

The physical relation of women to men—their beauty, ensures their being beloved; while their feebleness seems to ensure their being oppressed. The fate of women is, indeed, different in different countries; but in all, they are more or less slaves.

In some countries, savage man has not merely made woman a slave, but has converted her into a beast of burden. She not only does all domestic drudgery, but carries the savage's weapons to the chase, and returns loaded with his prey.

In other countries, half civilized man has performed the operation which he calls legislating, for woman; and, accustomed to feel the foot of the princely or priestly despot upon his own neck, he has planted his foot upon the neck of woman. Difference of intellect is no better a reason for this than it is for the enslavement of the negro.

In these countries, moreover, after having created all the errors of women, men have sub-

jected them to the censorship of opinion, which governs them imperiously—injuring them by suspicion, converting even appearance into crime, and punishing them by dishonour.

Everywhere the forms of government and laws powerfully influence the condition of the sex.

In despotic countries, such as Palestine and Syria, Mr. Emerson tells us that the situation of women is in no degree removed from the classification originally made, by which a man's "wife, and his slave, his maid-servant, his ox and his ass," are equally defended from the covetousness of his neighbour.

Is it better in England, where the commentator on Blackstone tells, "that husband and wife, in the language of the law, are styled baron and feme; the word baron or lord attributing to the husband no very courteous superiority?" And that we may not regard these as mere unmeaning technical terms, he reminds us, that "if the baron kills his feme, it is the same as if he had killed a stranger, i. e. simply murder, but if the feme kills her baron, it is a species of treason subjecting her to the same punishment as if she had killed the king."—By the common law, women were moreover denied the benefit of clergy and executed for the first offence; whilst a man who could read was, for the same crime, subject only to burning in the

hand and a few months' imprisonment, until 3 and 4 W. & M. c. 9.

In republics, on the contrary, says Montesquieu, "women are free by law, and subject only to morals. Luxury is banished, and with it corruption and vice. Good legislators have banished even that commerce of gallantry which produces idleness, and makes women the agents of corruption even before they are themselves corrupted, which confers value upon trifles, and detracts from things of importance."

This is illustrated by Segur's sketch of their condition in Switzerland. "In that country, the small degree of luxury which prevails, and the ignorance of the arts which attend it, present to women, as pleasures, only those which nature offers, and, as occupations, only their duties. The young women living together, enjoy from an early age great liberty, and preserve the purity of their manners in the midst of their independence. The certainty of being united only with those whom they love, is opposed to all gallantry for the present, and to all coquetry for the future. When, after some years, the young woman has tried the affections of her lover, she has before her only her marriage, and no other perspective than love of her husband and children, and assiduity in household affairs. This is her principal business. There

are no intrigues for places nor for rank. Pleasures are less vivid and more simple: riches are less brilliant and more solid. There is in this less the idea of pleasure, than of happiness."

England, being an aristocracy, is perhaps less favourable to women than countries which present the despotism of one. For me, I confess, it is difficult to imagine anything more unfavourable.—Others may think, on the contrary, that England affords a fair specimen of the treatment of women in Europe, in so far as they are affected by the laws. In default of more extended knowledge of the laws of other countries, I have no objection to its being so regarded.

Following then, implicitly, the admitted statements as to the condition of married women in England, it will appear that it is quite as disadvantageous as slavery itself, and that wives have no property, either in their fortunes, their persons, or their children.

It is principally upon the greater or smaller portion of independent fortune which women enjoy, that their mode of existence everywhere depends. Let us see how this is managed in England—beginning at the beginning, and implicitly following legal writers on the subject.

Any man, in order to obtain a wife with fortune, may, by a friend, be put in temporary pos-

session of money, secretly contracting to repay it as soon as he has possessed himself of her property; or he may actually buy an heiress of those having the disposal of her, and afterwards pay the purchase-money out of her estate. This is practicable, in consequence of the law which gives the sole property of the wife's fortune to the husband.

It is true that a woman also may impose upon a man, by pretending to have a fortune; and, if the man is credulous, she may by such representation induce him to marry her. But she cannot, on being married, put her husband in possession of borrowed money as her fortune, and afterwards repay it secretly, out of his estate. This must deter her from either concealing or misrepresenting her circumstances, as such conduct would expose her to the resentment of her husband.

Even as to debts previous to marriage, men may, in many ways, conceal and misrepresent their circumstances. Those in trade have their affairs so complicated, that it is difficult to discover what their obligations are. These, however, they can secretly discharge out of the wife's fortune, even to her utter ruin. On the contrary, the laws obliging men to pay their wives' debts, rarely injure the husband, because women's debts are easily known.

By the ancient Roman or civil law, a woman is

not constrained to bring her whole fortune as a portion to her husband, but may retain part of it, then called paraphernalia, in which the husband has no interest: these she may dispose of without his consent, and she may bring actions in her own name for their recovery.—But by the laws of England, the paraphernalia are held to be merely the woman's wearing apparel, ornaments and jewels, which she wears, not as her's, and for her own sake, but as her husband's, or as it is expressed, suitably to his quality, and to do him honour! Even the presents he makes before marriage revert to him as soon as the solemnity is over. When the husband dies intestate, or does not by will dispose of the jewels, his wife, in case there be no debts, may claim such as are suitable to her quality, to be worn as ornaments or as her paraphernalia; yet if the husband by will devise away these jewels, it holds good against this claim of the wife. She retains no property, not even in that pledge which he had given her as a token that he would faithfully perform every article stipulated in the covenant between them.

Again, though by the civil law, the husband, during the marriage, receives the profits accruing from the wife's portion, yet the property of the portion is not transferred from the wife by the marriage, and if he become reduced in fortune,

she may legally seize her portion, or security for it, or she may bring her action against him, and lodge it out of his reach.—The laws of England allow a wife no such privilege; for if a man having no real estate, marry a woman, possessing only personal estate, however great the amount may be, and covenant to leave her a certain part of it at his death, although she should afterwards perceive that he designs to spend the whole in his life-time, she cannot by law take any method to prevent it.

Even in the case of heiresses to real estate, where the wife retains her property, the husband, if he has a child born alive, has the disposal of the whole income of her lands, for his and her life; and if a deed be executed, and, before a judge or commissioner appointed for that purpose, a simple declaration be made by the wife, that she freely and voluntarily consents to the alienation of her property, the husband alone has power afterwards to mortgage, and may employ the money so raised as he pleases, which, perhaps, may be so as to injure his wife yet more for her generosity; and, if he become bankrupt, his interest may be sold, so that the wife can have no further enjoyment thereof, unless she survive her husband.

The wife may, before marriage, put her fortune into trustees' hands, and so secure it for her own

use, provided this be done with the consent of her intended husband;—but young women are very ignorant of points in law, and their inability to use means to guard against falsehood on their husband's part, and confidence in the man they love, prevent their employing that precaution. It has, moreover, seldom been of service to those employing it, because the husband has so entirely the disposal of the wife's person, that he can easily influence her. Hence it was a saying of an English judge, "that he had hardly known an instance, where the wife had not been kissed or kicked out of any such previous settlement."

It may be said, that a wife is not divested of all property, since she retains a property in her jointure, which the husband cannot alienate.—But she has no jointure, unless she stipulate for it and have it secured to her before marriage, and she is not always suffered to retain it, owing to the same anthority of the husband.

If under all these devices for robbing a wife, she does contrive to retain any property, she suffers difficulty in disposing of it by will.

In a case of this kind, a woman, while a widow, made a will; soon after, she married again; in some further time, she again became a widow, without any children by either husband; and the will which she made in her first widowhood being

found after her death, the question arose whether it was a good will or not? The counsel for the will cited many authorities from the civil law, and showed, that though among the Romans, a man who made his will, was afterward taken captive, yet the will became again in force, by the testator's repossessing his liberty; and he thence inferred, that as marriage was a state of captivity, wills made by women who became free by survivorship, ought to revive with their freedom. But the court found the distinction, that while captivity is the effect of compulsion, marriage is a voluntary act, and the judges determined the will to be void.

Here, then, the arguments of the counsel make the state of wives equal to slavery; and the distinction of the court makes it worse than slavery!

Amends, we are told, is made for all this, by women's exemption from imprisonment in civil causes.

Having no property, it certainly is necessary that they should be so exempted; and it is accordingly decreed, that the husband, who possesses the wife's property, shall be answerable for her debts. But this makes no amends for the thefts described. It is well observed, that "to divest a man of all property, and then exempt him from imprisonment in consequence of debts, is just

such a privilege in his civil capacity, as it would be in his natural one, to divest him of all pleasure, and in return to exempt him from pain. As such exemption from pleasure and pain would in effect strike him out of being as a man; so such divesting him of all property, with exemption from payment of debts, is, in effect, to cut him off from being a member of civil society. As a man would choose to retain his natural pleasures, and run the hazard of natural pains—as he would prefer life to death, so he would choose to retain his civil rights, and run the hazard of civil inconveniences.—Till it shall appear that these are not parallel cases, we may conclude, that exemption from debts is not a recompense for divesting of property."

Let us now look at the relative treatment of husband and wife under the commission of offence.

Adultery on the part of a wife forfeits all right to maintenance and to dower at common law.—Not satisfied even with this, a lawyer, in a weekly journal, has lately proposed that the penalties for this offence on the part of a wife should be greatly increased.

It is apprehended, he says, "that one great cause of *the increase of adultery in the higher ranks* is the practice, in marriage settlements, of securing to the wife absolutely an unqualified

right to a large jointure quite independently of her husband and of the propriety of her conduct, and that the law has settled that such jointure is not, like dower, forfeited by her adultery. It is submitted to all members of the legal profession and still more to intended husbands, that jointure or pin-money should always be made payable only to the wife *dum caste se gesserit*, or to that effect. Such a stipulation would remove one powerful temptation to profligate pennyless seducers, of whom there are too many prowling in the higher circles; whilst the unqualified right to pin-money or large jointure is calculated to render women too self-sufficient and independent of their moral duties towards their husbands, and the certain ability to support the seducer too frequently leads to the completion of crime, which but for temptation might be prevented by mere prudential considerations. The intended husband himself might not venture to suggest such a qualification, which might suppose his suspicion of the character of his intended, but his professional adviser might insist upon the propriety of the stipulation, and no part of the lady's family could well take umbrage, for women, as well as men, may be perfectly virtuous and wholly averse to vice at one period of their lives, when by circumstances they may at another become more prone to err, and may require protec-

tion even against themselves. It is suggested that all marriage settlements should be so framed as to contain express stipulations guarding against future indiscretions. Adultery forfeits all right to maintenance and all right to dower at common law, and there is no reason or principle why jointure should not also be forfeited. As, however, upon a divorce in the Lords on account of adultery of the wife, the husband is always required to make provision for her maintenance, lest by total destitution she should be driven to continue in a course of vice, it would be expedient to provide in the settlement in any event for a very small allowance for that purpose. And if the right to any jointure be reserved by the intervention of trustees, they should indemnify the husband thereout against the consequences of such hardships as these cast upon him according to the above decision. Surely attention to these suggestions would tend to remove one of the strong temptations to vice."

Now, notwithstanding all the devices for robbing and enslaving women already described, one would imagine that, in the case of offence committed by either party—an offence which is equal on both sides,—the punishment would be equally severe. But so far is this from being the case, that if the husband commit adultery, instead of being punished as the wife would be by being divested of

all property, the wife is actually punished in lieu of him.

If a wife impatient of her husband's incontinence, which is allowed to be a virtual dissolution of marriage, appeal to the laws for divorce, she may perhaps obtain it, and with it a pittance, to keep her from want. If she brought the whole that the husband possesses, she may be assigned a fourth or fifth part of it, and he will be indulged with the remainder.

"In the late horrible case of Tomlinson v. Tomlinson," observes a weekly journal, "the miscreant had married a widow with an income, and debauched her juvenile daughter by a former husband, leaving her pregnant. The afflicted mother applied to the Court for a divorce and a separate maintenance. The Ecclesiastical Judge declared that the records of the court presented no case of equal atrocity, and that he, in the course of his professional experience, had never met with any thing so revolting. What was the sentence? The miscreant was, even in this case, dismissed upon his being compelled to restore to the wife half her property. Can the world produce anything so perfectly hellish as the Ecclesiastical Laws of England? This man, according to national justice, ought to have restored to the woman every fraction of her property; he ought to have been severely

amerced for the injuries he had done her; he ought to have been taxed for the support of his unnatural offspring; and he ought to have received the heaviest punishment, short of the gallows, as a protection to society; but so far from any thing of this sort being inflicted, the wretch is rewarded for his crime by getting rid of his wife, and by having settled upon him half the income which she had derived from her first husband!"

Now, nothing can show more distinctly than this, that the whole scheme of robbing, which has been described, is founded in base covetousness and flagrant injustice; and I submit to intended wives and still more to their parents, that the husband's infidelity should be visited in the same way in which it has been proposed to visit the wife's—that her jointure should be increased thereby, and that the wife's fortune at least should always be restored to her, when the husband "*non caste se gesserit*," or to that effect; and the lady's professional adviser "might well insist upon the propriety of the stipulation."

To proceed.—Wives have no property either in their mental abilities or personal industry.

A young woman may bring to her husband a fortune; in a few years he may, by extravagance, folly and vice, dissipate the whole of it; and he may then enlist as a common soldier. She is thus

ruined utterly. If, by the kindness of friends, she should be enabled to engage in business to maintain herself and children, such is the law, that this would be only giving her husband an opportunity to plunder her at will. She might indeed transact her business in another's name; but few would be disposed to involve themselves in the affairs of a feeble and dependent woman, who may be driven from the place and employment, at the will of her husband, against which she cannot appeal. If, in order to provide for their children, she even ask his permission to serve a lady, he may refuse it, except on condition that he be allowed to visit her when he pleases; and if the wages which she may earn be not paid to him, he may sue the person who employs her; all which must effectually exclude her from acting as a servant. Her wretched condition will then be such that all her friends can do, will be by stealth to afford her a pittance in the nature of alms, unless indeed they be in condition to settle an estate in trustees' hands for her use; and even this, owing to the power of the husband over her person, he may soon convert to his own use.

Passing now from the property to the person of wives, it is a fact that they may be made prisoners for life, at the discretion of their husbands.

A young lady possessing fortune in land and

money, may marry a man, in whom her confidence is so great, that she makes no reserve to herself, but, with her person, places her whole fortune in his power; this, by extravagance, he may dissipate; then, finding frugality or penury necessary, he may confine her in a country house, with only the bare supports of life, and the attendance of a servant who is at the same time her jailer; and, in this confinement, she may be compelled to live till her existence terminates.

Cruelty may be added to imprisonment.

A wife may be so cruelly treated by her husband, that life may be a burthen to her; she may at last ask shelter from and be received into the house of his nearest relative, with her spirit broken, and in the worst state of health; that relative may, in the mildest terms, represent to her husband the sad effects of his treatment, and may, by all possible arguments, endeavour to awaken in him humanity towards her, adding, that, with his leave, she may reside at his house, till she has recovered health, of which he will be at the sole expense; the husband may order him to send her home again, or keep her at his peril; ill success may fling her into a lingering fever, during which her husband may come in person and demand her; her relative must deliver her up; and she may be again carried home, where her husband, exaspe-

rated by her complaint, may treat her with a degree of harshness which terminates her life; nor can she find any redress, if he have never beaten her, nor threatened her life, though he may have taken all other methods to break her heart.

The cruelty of a husband may be even more afflictive than a violent death.

In a trial at the Old Bailey, it was proved that a man had confined his wife for some years in a garret, without fire, proper clothing, or any of the comforts of life; that, in addition to this, he had frequently horsewhipped her; and that her sufferings were so great and intolerable, that she terminated her wretched life by flinging herself out at the window. As, however, there was found in the room bread which, though hard and mouldy, was supposed sufficient to sustain life, and as it was not thought that he pushed her out at the window himself, he was acquitted.

It is true that, by law, a woman who has been beat and abused by her husband, may swear a breach of the peace against him, and if he cannot find security for good behaviour, may send him to prison. But sometimes this relief, if it may be so called, cannot be obtained, because the husband has it in his power to lock up his wife, and so prevent her complaint. Even, however, if it be obtained, its consequences bring great hardships upon

the wife. If he be a tradesman or a labourer, she and her family depend upon him for subsistence, and the consequence of his lying in prison is that they must starve. Moreover, at his return home, it exposes her to the resentment of her husband, without abating his power, which enables him to revenge himself in many ways not cognizable by law.

We may next consider the unreasonableness of those laws which divest a woman of all property in her children; either during the life, or after the death, of her husband.

From the late debate in the House of Peers, on the Custody of Infants' Bill, it appears that, as the law now stands, the father of a child born in lawful wedlock, is entitled to the entire and absolute control and custody of such child, and to exclude from any share in that control and custody the mother of the child; that the mother may be the most virtuous woman that ever lived, amiable in her manners, and fond and attached to her children; that the father, on the other hand, may be a profligate in character, brutal in manner, living in adultery; and that yet he will have the right under the existing law to the custody of the children of his marriage, to the exclusion even of access to them of his wife, their mother.

A case adduced in illustration of this was that

of Mrs. Skinner. In that case the husband and wife were separated in consequence of the barbarous conduct of the former, who was then living in adultery with a woman of the name of Delaval. The child, only six years of age, had previously been left, and properly left, with the mother; the husband, however, got possession of the child; and on the question being agitated in court (the child having in the mean time been delivered to the mistress of its father, who was then confined in Horsemonger-lane Gaol, whither the child was carried to him day by day), the Court said that it had no power to interfere: thus the child was wholly separated from its mother. That mother was of irreproachable character; her conduct had received no stigma of any kind; she was fondly attached to her child; and, on this occasion, Lord Lyndhurst left it to the house to conceive what must have been her sufferings, and to say whether, in contrasting her character and conduct with that of the husband, the law in that case was not harsh, cruel and unjust.

Further, it appeared, that if the father choose to avail himself of the law as it now stands, he may apply it to the extortion of personal, pecuniary, or other unjust concessions from the mother, and may still have the right to bar her from all access to her children.

The case of Mrs. Emanuel, who had married a French emigrant, was cited in illustration of pecuniary extortion.—The lady, before her marriage, was in possession of about 700*l.* a year, which on the marriage was settled to her own use, with certain contingencies. The husband, however, had received 2000*l.*; but not being satisfied with this settlement of the property, he persecuted his wife to make her will in his favour. She had the firmness to refuse: he then threatened to take her out of the kingdom, but this was barred by a covenant of the settlement. He next threatened to take her child, an infant scarcely five or six months old, out of the kingdom; and he succeeded in tearing the child away from its mother, and placing it in the custody and care of a hireling nurse. Application was, therefore, made to the court on behalf of the wife for access to the child; and though the Court admitted that nothing could be more base or infamous than the motives by which the father had been actuated, still, as the mother had no legal right to interfere, as the father had hired a nurse as a substitute for the mother, and as the child was not suffering in health, the Court could not interfere and afford the redress sought.

The case of Mrs. Greenhill illustrated another mode of marital despotism and cruelty, and was of this description.—She had three daughters, the

eldest about six, and the youngest about two years of age, and was living with her children at Weymouth for the benefit of her health, when she received information that her husband had been living in adultery with a female of the name of Graham for upwards of a year. She was astonished at the intelligence, and on consultation with her mother and her friends, was advised by them to apply to the Ecclesiastical Court for a divorce. The husband then sent his attorney to her, and threatened that if she went on with the ecclesiastical suit, he would take the children from her. Erroneously supposing that she had a right to retain possession of her children, she went on with the suit for a divorce. Subsequently, however, proceedings took place in the Courts of Chancery and King's Bench, and there it was ultimately decided that the wife must not only deliver up the children, but that the husband had a right to debar the wife of all access to them.

The harshness and severity of the law, it was observed, were increased by the fact, that with the mother of an illegitimate child no person, not even the father, could interfere as to her possession of her offspring; and yet the mother of legitimate offspring, the woman of irreproachable conduct and character, was by the law stripped of all control, and even access to her child.

The rational remedy for this evidently is, to take the custody of the children entirely from the guilty father, and transfer them to the care of the mother, or to such other person as, under the circumstances of the case, it may seem proper to name for that purpose.

As nature gives the husband the supreme command in his family, it is inevitable that he should have the disposal of his children so long as he lives: but at his death, that power seems to devolve upon the wife, who then becomes the only natural guardian and governor of her children. Our laws, however, give the husband the power to deprive the child of its mother, by ordering it into other hands, where her affection and care can be of no service to it.—Thus a man may have only one daughter to whom he bequeaths his whole fortune under this restriction, that she shall forfeit it, if, after his death, she, upon any occasion whatever, knowingly converse with, or visit his widow, the young woman's own mother; in case of his daughter's disobedience to his will, in this respect, he may leave his fortune to an ill-natured relative of his own, who may always have hated his wife, who may have been the occasion of his using her ill, and who would therefore be sure to take advantage of the forfeiture; and the unhappy mother may consequently be constrained to give up all in-

terest in, and conversation with, her child for ever —her jointure being too small to support them both.

In answer to remonstrances of this kind, we are told that the law supposes the father to be the best judge, whether the mother is capable of educating their children.—Certainly, however, no such power as this should be tolerated, except upon condition that the husband has adduced legal proof of his wife's unfitness to have the care of his children.

It may also be said, that this power is a security to the children, in case the mother should marry again, and put herself and children in the power of another master.—But this should be limited and duly defined by law.

Thus, wives in England are in all respects, as to property, person and progeny, in the condition of slaves. Thus has man made woman a slave, and himself at once a tyrant, and his slave's companion, not less degraded than she is. Exercising jealousy, surveillance and sometimes cruel severity, for errors which he hourly commits with impunity, he has had dissimulation, deceit and ridicule for his reward. There can be no other relation between tyrant and slave.

It was shown, in my work on Intermarriage, that woman, owing to the great development of her vital and reproductive system, has actually

greater need of love than man. It is known that man, notwithstanding his less need of love, is almost universally guilty of infidelity. It is evident, then, that woman, even if she had none *of* the love of variety which actuates man, is thus subjected to an unjust privation; and for this, many will think that she has a *natural* right to seek compensation elsewhere—an ample cause of infidelity, if there were no other.

But we now see that man, moreover, subjects woman to a state of slavery in regard to property, person and progeny; and it is impossible that this should not lead to far more extensive infidelity.

Those who know that the laws of nature are simple and uniform, applicable alike to what are called physics, and what are called morals, need only recollect that action and reaction are equal.

It is absurd to suppose that woman will avoid seeking relief from any given oppression, in every other direction that may be free to her. She will either passively profit by opportunities offered her, or she will liberate herself by the incessant employment of her senses and her observing faculties, which I have elsewhere shown are relatively greater than man's, and are conferred by nature chiefly for the guidance of that large vital and reproductive system, which they always accompany,

and the exercise of which is the main object of her existence.

The developement of the organs of sense, so closely accompanying the developement of the vital and reproductive system, ensures the pleasures attending its acts; and the developement of the observing faculties accompanying the developement of that system, provides for and ensures these pleasures, in spite of him who would cheat and prevent them, and who, in the unequal contest between brute force and intelligence, becomes an object of ridicule and contempt.

How completely ludicrous, then, is man's infliction of encreased robberies and oppressions, in order to remedy what his robberies and oppressions have caused.—In the next Part, we shall see the consequences of all this.

PART V.

INFIDELITY.

It must to us appear strange that it was a frequent practice, in some parts of Greece, for men to borrow one another's wives. It was, indeed, a bad substitute for dissoluble marriage.

We have, however, the following account of this practice among the Spartans, from Plutarch.—"Lycurgus, the Spartan lawgiver, thought the best expedient against jealousy, was to allow men the freedom of imparting the use of their wives to whom they should think fit, that so they might have children by them; and this he made a very commendable act of liberality, laughing at those who thought the violation of their bed such an intolerable affront, as to revenge it by murders and cruel wars. He had a good opinion of the man, who, being grown old, and having a young wife, should recommend some virtuous and agreeable young man, that she might have a child by him to inherit the good qualities of such a father, and should

love this child as tenderly as if begotten by himself. On the other side, an honorable man, who had love for a married woman, on account of her modesty, and the well-favouredness of her children, might with good grace beg of her husband his wife's conversation, that he might have a eyon of so good a tree to transplant into his garden; for Lycurgus was persuaded that children were not so much the property of their parents as of the whole commonwealth, and therefore, would not have them begotten by the first comers, but by the best men that could be found. Thus much is certain, that *so long as these ordinances were observed, the women were far from that scandalous liberty, which hath since been objected to them.*"

One of the principal punishments at Sparta, says Montesquieu, "was to deprive a person of the power of lending his wife, or of receiving the wife of another man, and to oblige him to have no company at home but that of virgins."

Lycurgus warred against the selfish principle of humanity. That, however, is a fundamental principle—the *first spring* of human action: it may be regulated: it cannot be proscribed. In harmony with this, and not less erroneous, was the still higher effort of the Stoics to be independent of things extrinsic, to regard only virtue.—What

a glorious people were the Greeks!—their very errors more admirable than the truths attained by other nations!

It is evident that Lycurgus thought that men's minds were more directed to the general weal of the Republic by being severed from peculiar ties. In Sparta, the children were accordingly brought up at the public expense; they were ordered to consider themselves the children of the people; and they were grateful to their country. A Spartan boy owed no gratitude to his parents: he was literally *filius populi.*

While, also, the virgins of Athens were guarded attentively, and almost condemned to similar confinement with those of Asia, the married women enjoyed perfect liberty, as we are informed by Xenophon. "*Provided,*" says he, "*that peace and friendship continue to reign in houses, every indulgence is discovered for mothers, by sympathising with all their natural defects; and even when they yield to the irresistible tyranny of their passions, it is usual to pardon the first act of weakness, and to forget the second.*"

Socrates accordingly obliged his friend and pupil Alcibiades, with the conversation for a limited period of Xantippe, a lady as remarkable for personal attractions as for impracticable temper. The laws, I may add, of that city permitted

heiresses to apply to their husband's nearest relation, in case of his impotence.

It would certainly be difficult to mention higher authorities than Lycurgus, Socrates and Xenophon, or more flourishing states than Sparta and Athens, in their times. But I hold not this as an excuse for the errors here involved.

Among the Romans, similarly, if a woman had borne her husband three or four children, a young man might borrow her for a few years of her husband, to live with him till she had brought him the number of children that he desired.

We are told by Plutarch, in his Life of Cato, that Quintus Hortensius, a man of signal worth and approved virtue, was not content to live in friendship and familiarity with Cato, but desired also to be united to his family by some alliance in marriage; that therefore, waiting upon Cato, he began to make a proposal about taking Cato's daughter, Portia, from her husband, Bibulus, to whom she had already borne three children, and offered to restore her after she had borne him a child, if Bibulus was not willing to part with her; that Cato approved very much of uniting their houses, when Hortensius, turning the discourse, did not scruple to acknowledge that it was Cato's own wife that he really desired; that Cato, per-

ceiving his earnest inclination, did not deny his request, but said that Philip, the father of his wife Martia, ought also to be consulted; that the father being sent for, came; and he, finding they were well agreed, gave his daughter Martia to Hortensius, in the presence of Cato, who himself also assisted at the marriage.

Yet, Montesquieu says—"So many are the imperfections which attend the loss of chastity in women, and so greatly are their minds depraved, when this principal guard is removed, that, in a popular state, public incontinence may be considered as the last of miseries, and as a certain forerunner of a change in the constitution.—Hence it is that *the sage legislators of republican states* have always required of women a particular gravity of manners!"—The facts are before the reader.

Even in more modern times, this subject was much debated. Tertullian, one of the Christian Fathers, in his defence of Christianity, notices the practice:—"All things," says he, "are common among us, except our wives; in that one thing, we admit no partnership—that in which other men are more professedly partners." St. Austin also was one of those who wrote on this subject, and, though he seems fearful of positively countenancing it, he does not condemn it. And a recent writer says,

"Though this to a modern may seem a very strange custom, it would doubtless be less injurious to the purchaser, than his associating with a variety of women would have been, according to the practice of the youth of these kingdoms."—If there existed only this dilemma, our condition would indeed be an unhappy one.

With or without permission, however, we know that infidelity of all kinds exists also in our times. —Its foundation, therefore, in nature, perfect or imperfect, and bad as may be its consequences, is obvious.

All women, indeed, are pleased with admiration and homage; and few perhaps are displeased at disobedience induced by excess of love. Few, moreover, are capable of resisting continual opportunities, unwearied perseverance and flattering seductions, when they coincide with natural feelings; and she who yields the slightest favour, too often finds herself compelled to pardon more than she ever dreamed of granting. This it was that made Montaigne exclaim "Oh le furieux avantage que l'opportunité!" and that made Pope say, "Every woman is at heart a rake."

Certain it is, that, once subdued, woman seems to be so for ever.

But whatever the offence or crime in this (and

I am not disposed to palliate it), man has an equal share. Let others tell the truth—"La foi conjugale est sans cesse violée dans les grandes sociétés policées. Il est peu de maris qui soient fidèles à leurs femmes; il est peu de femmes qui soient fidèles à leurs maris. L'homme, étant le plus fort, a fait décider par l'opinion que cette action de sa part ne méritoit presque pas de blâme."

Heartily do I agree with Mr. Thomson in his detestation of the system of sexual pretended morals referred to in the last sentence—the making the very same actions indifferent or meritorious, and always unpunished, in the stronger party, which are called vicious, sinful and always cruelly punished, in the weaker party. The infamy of that system has been well shown by Madame de Stael.—"Love is the history of woman's life; it is an episode in man's. Reputation, honour, esteem, all depend upon a woman's conduct in that point; whilst, in the opinion of an unjust world, even the laws of morality seem suspended for ever in their intercourse with women. They may pass for good men, and yet have caused the most poignant sorrow, that human power can create in the breast of another; they may pass for honest men, and yet have deceived women; and they may have received services from a woman, and marks of devotion that would bind together two friends, two

comrades, and attach eternal dishonour to him who should ever forget them; these they may have received from a woman, and yet free themselves from all, and attribute all to love, as though that sentiment, which is an additional gift, could diminish the value of the others. Some men there doubtless are whose character forms an honourable exception; but so general is the opinion on this point, that there are very few who dare announce without fear of ridicule, that delicacy of principle in affairs of the heart that a woman feels herself compelled to affect even when she does not feel it.*

* L'amour est l'histoire de la vie des femmes; c'est un épisode dans celle des hommes: réputation, honneur, estime, tout dépend de la conduite qu' à cet égard les femmes ont tenue, tandis que les lois de la moralité même, selon l'opinion d'un monde injuste, semblent suspendues dans les rapports des hommes avec les femmes. Ils peuvent passer pour bons, et leur avoir causé la plus affreuse douleur que la puissance humaine puisse produire dans une autre ame; ils peuvent passer pour vrais, et les avoir trompées; enfin, ils peuvent avoir reçu d'une femme les services, les marques de dévouement qui lieraient ensemble deux amis, deux compagnons d'armes, qui déshonoreraient l'un des deux s'il se montrait capable de les oublier; ils peuvent les avoir reçu d'une femme, et se dégager de tout, en attribuant tout à l'amour, comme si un sentiment, un don de plus diminuait le prix des autres. Sans doute, il est des hommes dont le caractère est une honorable exception; mais telle est l'opinion générale sous ce rapport, qu'il en est bien peu qui osassent, sans craindre le ridicule, annoncer dans les liaisons du cœur la délicatesse de principes; qu'une femme se croirait obligé d'affecter si elle ne l'éprouvait pas.

Byron has well availed himself of this thought:

> Man's love is of man's life a thing apart,
> 'Tis woman's whole existence; man may range
> The court, camp, church, the vessel, and the mart;
> Sword, gown, gain, glory, offer in exchange
> Pride, fame, ambition, to fill up his heart,
> And few there are whom these cannot estrange;
> Men have all these resources, we but one,
> To love again, and be again undone.

All this is the more base, because the vital system is larger, and the necessities of love greater, in woman than in man—a philosophical truth which is well implied in the words of Madame de Stael just quoted, "Love is the history of woman's life: it is an episode in man's." And to the baseness is added stupidity and falsehood when we are told that the consequences to society are not the same from a violation of chastity by one sex as by the other.

It is all this that almost always and everywhere makes man an object of laughter when he is outwitted by the feebler being whom he struggles to subject to an unequal compact. This, the ancient mythology has not overlooked in the mishap of Vulcan in entrapping his wife Venus, and his being subjected to the derision of all the gods.

The conduct, then, of a vast number, especially of the higher classes in France, England and elsewhere, greatly resembles that of the Athenians, as described by Xenophon. Many, of course, will reprobate such licence: some, perhaps, will vindicate it. My opinion has been already expressed;

and my business now is, first to inquire into those circumstances or motives which lead to that licence, any great and tolerably enlightened class, or any great number of such a class. With the varying practices of both ancient and modern nations before him, the curious inquirer will go into this discussion, quite unfettered by the creeds, laws, or opinions, of any one people. The question belongs to human nature, and not to any age or tribe.—It is necessary to discuss the matter philosophically, and to begin *ab initio*.

An intelligent French writer says—"Of all social institutions, marriage is that of which the laws are the most difficult to determine, because they are in opposition to those of nature. Society says to two newly married persons—'You shall love each other while you live: you shall pass together the remainder of your days.' But the laws of nature, more powerful than those of society, say—'Every sentiment weakens: satiety supervenes: when we seek to vary pleasure in every other affection, in order to banish that uniformity which always induces ennui, why demand in this one a constancy of which man is so little capable?"

It is certainly undeniable that novelty is essential to the highest enjoyment of every sensual pleasure. The reason, therefore, is evident, why in this respect love differs from friendship; and we have hence the foundation of the French phrase,

"jeune maitresse et vieux amis!" But let us not lay the burthen of this immorality upon our neighbours. The following old English anecdote is well known: "A gentlewoman comming to one that stood at a window reading a booke, Sir (sayd she), I would I were your booke (because she loved the gentleman.) So would I (quoth he), I wish you were. But what booke would you have me bee (sayd the other) if I were to be so? Marry, an Almanacke (quoth the gentleman), because I would change every yeare;" and Mr. Moore says:

"'Tis not that I expect to find
A more devoted, fond and true one,
With rosier cheek or sweeter mind,—
Enough for me that she's a new one."

That variety is essential to the high enjoyment of every sensual pleasure, is indeed easily proved, by considering the various senses.—The varied surface of the sphere in which (in popular language we may say) no one point lies in the same plane with another, is most agreeable to the sense of Touch.—The Indian anana, or the honey of Hymettus, or any one of the most exquisite viands which the vegetable or animal world presents, if perpetually used, would pall upon the appetite, and, after nauseating and disgusting, would at best terminate in a happier insensibility; while the due succession and blending of a few such viands would gratify the most luxurious

taste.—The perfume of the rose, if long and continually inhaled, would cease to be distinguishable; but, if varied with those of the lily, the violet and the honeysuckle, the most delightful odour impresses the sense of smell.—One continuous sound, eternally vibrating on the ear, would tease, or torture, or stupify the sense; while a succession of varied compound or even simple sounds, charm the ear, and agitate and controul every passion of the mind.—A vast and unbroken expanse of one colour, on all sides surrounding us, seems at first to oppress, and then to benumb both the organ of vision and the brain; while a variety of resplendent colours delights the eye, and excites feelings of gaiety in the mind.—If, then, variety be thus essential to the high enjoyment, nay even to the existence, of every sensual pleasure, it is evidently impossible, that it should not be more necessary to that sensual pleasure which is a combination of all these. It would, indeed, be an absurdity to assert, that less variety belongs to a compound operation, than belongs to each of the simpler elements of which it is composed.

Now, it cannot be denied, that this natural love of variety in pleasure has some relation (I attach not much weight to this) to certain circumstances and dispositions of the sexes, namely, the impetuous passion, the disposition to attack, which nature has implanted in man,—the disposition of

woman to defend,—and the frequent periods in which woman may not indulge in love.

All this, it may be said, tends to prove that variety is natural to man only, and not to woman; but the reflection, that variety on one part necessarily implies variety on the other, shows the erroneousness of this conclusion, and that, more passive though she be, the love of variety must be quite as natural to woman as to man.—And this is independent of the greater magnitude of the vital system of woman, and her greater necessity for love!

In conformity with these facts appears to be, the actual practice of nations, the chief difference seeming to be, that a disposition to voluptuousness, or to levity, renders the practice open, avowed and tolerated among the Italians, Spaniards, French, &c. where the cicisbeo, the cortejo, or the bon ami, is the indispensable, and sometimes mutable, appendage of every fashionable woman; while a disposition to secrecy, or to circumspection, renders the practice more or less private and concealed among the Germans, English, &c. who, with a larger vital system, have the forehead more developed, and consequently greater observing faculties, and greater power of concealment.

He who, on this subject, is above national and vulgar prejudice, and desires calmly and dispas-

sionately to know among which of the nations now mentioned, errors of this kind most prevail, has only to observe in which of them the vital and especially the glandular and secreting system is most developed.

Thus, the practice of love is every where prevalent, and is only modified and regulated by the other points of national character. Even in England, we find a vast number of men, who, vaunting the chastity of their own wives, have the vanity to hint at their irresistibility and their success with all other women; as if it were possible, that, of any two such men, thus fondly confiding in his own, and too successful with his neighbour's wife, each should not be wrong. There, also, the consequence, which it would be idiotcy to deny, is, that for one faux pas detected, thousands must be concealed; while, even among the cases detected, for one action of crim. con. thousands pass unnoticed.

In these affairs, certainly, a vast difference exists between the conduct of the young and the more experienced woman. In early life, woman shrinks from an indelicate word or thought. She conceives, that to shun these, is commanded by taste as well as by modesty. But taste becomes duller; modesty, less rigid. As life advances, the duties of a wife render the indulgence of such tastes more difficult: those of a mother, render

them most so. The mature woman often concludes, by considering the tastes and the delicacies of the young one, as so many fantasies and affectations.

When modesty is thus overcome by the natural progress of life, it is certainly a less infelicitous circumstance than when it is crushed and destroyed by abrupt and necessitous events: for it is a truth too well known, that many a woman, neither weak nor worthless, but cast upon the world, and unable to provide for herself, has owed maintenance, and even the preservation of life, to the scarcely evitable surrender of the delicacy and the modesty which education and sentiment had inspired. Nature has not so sternly commanded the sacrifice of life, rather than the yielding to her own most powerful seductions, as not to be sometimes disobeyed by the loveliest, the gentlest, and the most contrite: and it is also a well-known fact that many a generous and manly heart (careless of the affectation, the hypocrisy, the successful concealment and the satire of others) has triumphed in snatching from perdition those virtues, which, "like precious odours, smell the sweetest when crushed."

Such, indeed, is the liberality or the laxness of the higher classes, combined, perhaps, with the consciousness of their own fallibility, that in whatever belongs to the sexes, their chief demand is respect for public opinion:—declare nothing; and

they enquire nothing. How many cousins, nephews, and nieces do we find in the same circles, of whom these fictitious appellations offer to society, which is thereby respected, an apology which is neither blamed nor investigated! How many husbands and wives in England can, owing to peculiar and unfortunate circumstances, offer to the world no other pledge of their being married, than that solemn assurance of being so, which alone suffices as a form of marriage in other countries, and is itself a pledge of mutual honour, the slightest violation of which would justly expel them from social life.

Universal as are these events, and right or wrong as they may be deemed, all must agree in blaming the fashionable practice of frequenting the parties of ladies, who, by bearing other names, not only declare themselves not to be the wives of those with whom they are notoriously connected, but display contempt for every decency. In such cases, it must, nevertheless, be allowed, that illustrious association, immense fortune, luxurious profusion, and voluptuous indulgence, find ready apologists. Nay, we seem not so far behind, even the Spartan practice of virtue, as some moralists would have us believe; for even in borrowing and lending of wives, we have Lycurguses in the very highest rank of society; and the legislator of Lace-

dæmon was lately rivalled, even in England—"high-moral-feeling" England, by the sexual reciprocity between the prince and the courtier.

That sexual love, however, which, in its notoriety, disrespects society, is, even independent of other and more substantial consequences, at least as blameable as the epicure's gross and obtrusive description of the indulgence of his appetite, or any other description of sensual pleasure, at which all persons of sense or sentiment revolt.

We have hitherto spoken of these things without relation to moral and political consequences; or we have illustrated them by the actual practices of society. We shall see, that, if these consequences be not regarded, their causes are innocent. In short, the morality that has regard to aught but consequences, is fit only for a conventicle or a lunatic asylum.

Now, all the consequences of sexual infidelity have a relation either to its influence on the domestic affections, or on irregular progeny.—Let us examine these two great heads in succession.

I. On the subject of domestic affections, we have only to enquire, whether, and how far, they are diminished by sexual infidelity.

Domestic infelicity, resulting from sexual infidelity, undoubtedly occurs in greatest excess to young people whose want of experience, ignorance

of the world, and sanguine expectations, are very often, in themselves, sources of misery. The wants of physical love, which actuate them powerfully, though unseen and undefined, and the attractions of beauty, which may be more or less partial, completely blind them to almost every circumstance in the character of the person with whom they accidentally associate. The imagination, rendered active by the excitement of love, associates the peculiar form of the person beloved with the gratification of the passion itself;—the former is felt to be a necessary condition of the latter;—and so complete does the unity of the passion and its object become, that the privation of the latter is felt as threatening the very existence of the former.

Where the imagination has been so active, and has decorated its object with so many ideal charms, it generally happens, that a period of possession and indulgence, short in proportion to the previous illusion as to character, dispels the charm. A period of satiety ensues, during which the disposition to love becomes imperceptibly less ardent, and the occasions of love become gradually less frequent. Periods of apathy, or of irritation, afterwards succeed; in the former of which both parties feel somewhat ashamed of the puerile and extravagant ardour of their former passion; and in

the latter of which, the asperity of their remarks is in proportion to their former illusion. Each, then, begins to think that an error has been committed; and each, to suspect the other of regretting it.

Moreover, before marriage, the parties are always endeavouring to appear amiable to one another; and their real character and disposition are almost universally cloaked under a refined and, in woman, an instinctive dissimulation. Differences of feeling, temper and aspiration are consequently now discovered. Most pairs, accordingly, soon seem to resemble a couple of hounds, tied together by the neck, and generally dragging in different directions.

When, now, the hours of recrimination or of gloom are relieved by the accidental call of a youthful, and perhaps attractive, male or female visitor, the features of the young wife or husband are lighted with a smile to receive them, partly from gratitude for the relief they bring, partly from contrariety. The lightened features and glad welcome, are instantly observed by that individual of the married couple, whose sex resembles that of the visitor, who is consequently, in imagination, transmuted into a rival. The other member of the married couple, now probably coquets with a fourth person by way of retalia-

tion; and that which began in capricious spite or sport, sometimes ends in dangerous attachment.

The first objects of this coquetry may not be the successful lovers; these objects may vary with the periods of dissension and distaste; and years of mutual jealousy and surveillance may precede the detection of that overt act which society considers *the* crime.

If, at last, the husband be the criminal, he generally escapes with little injury either to fame or fortune. If the wife be the criminal, the persecution of the world, and incapacity to make honourable provision for herself, very often compel her to recruit the rank of concubines or of courtezans. She becomes the sport of society; and her innocent and helpless children are often spoken of, as deeply tainted with their mother's disgrace. It is in vain, that their presence, for a period, constitutes a powerful appeal to the heart of their father; the ridicule of the world often compels him to punish, with eternal perdition, the error of a moment; and so tremendous sometimes is the struggle, even in the most generous breast, between the sentiments which the maxims of the world have produced, and the kindlier yearnings of the heart, that this struggle has become a theme in the Stranger of Kotzebue, who has been compelled to let the curtain fall over the conclusion of the heart-

rending scene,—a conclusion which would be too happy for the wretched, unforgiving and malignant gloom, so necessary to the honour, virtue and happiness of society!

It sometimes, indeed, happens, that the seducer, or the favourite, is generous or grateful, and espouses or protects through life the woman he has loved; while, on his part, the husband forms a new and maturer association; and then is also sometimes seen the phenomenon of persons who had lived unhappily together, now living happily with mates who are perhaps neither more attractive, nor more virtuous associates. Increased experience, benevolence and liberality, are, perhaps, sometimes the basis of this late-attained felicity.

Here, however, we certainly have the attestation of "the good and moral Plutarch," as already quoted, that when a certain degree of natural liberty was allowed to the Grecian women, they were less licentious than in after times, when that liberty was taken away. We must also admit, that, in modern times, and in our own country, there appear to be many instances in which men and women have indulged in temporary and evanescent loves, blameable as these are, without having utterly or fatally neglected their wives, husbands or families. There are, perhaps, few men, and fewer women than is commonly imagined, who

have not indulged irregular pleasures; and, if the number of abandoned, ruined or neglected families were as great as the number of husbands or wives who have sinned in this respect, this sin would, perhaps, be the most extensive, and this calamity the heaviest, that England ever had to endure.

It is, in truth, a fact which must not be denied, that temporary indulgences and passing amours rarely lead to permanent attachment to one party, or lasting estrangement from another. The very facility of indulgence, or indulgence however obtained, annihilates the passion, and defeats that association, intimacy and friendship, which would be the essence of a new domestic affection. If, indeed, variety be the very soul of such indulgence, it would be as absurd to fear from that indulgence any lasting effects, as it would be to fear the permanence or the invariableness of variety.

It is, moreover, well known, that the jealousy of one party so powerfully tends to the estrangement of the other, that it is almost always the jealousy of that party and the persecution consequent to it, which drive the other from home. And it sometimes is not without a long continued course of these that that end is effected. Nay, it is astonishing with what difficulty people detach themselves, even from bad mates; for that evanescent love which depends on variety, and which is absolutely

abhorrent of permanence, opposes not even an obstacle to the lasting sentiment which is founded on ancient association, long-continued love, the knowledge that the world has thought them one, and expects to find them so, the fear of disgrace and obloquy, &c.

Justice, then, demands our acknowledgment, that sexual infidelity injures domestic affections chiefly, when jealousy and persecution ensue.

Now, although this jealousy and persecution are not the act of the individual in whom the infidelity occurs, and although jealousy, far from being a proof only of love, is, to a great extent, a proof of selfishness and injured pride (for love, if free from these passions, would, within certain limits, rejoice in every pleasure of the object beloved), yet as infidelity may excite jealousy and persecution, its influence on both parties is at least so far to be deplored.

If to this excitement of jealousy and persecution, be added, certainly *not necessarily*, low and degrading or improper association, indecent exposure of sensual indulgence, and great waste of either time or fortune; then, if I mistake not, we see the sum of injury to the domestic affections which the worst species of sexual infidelity may produce.

Martinelli, in his History of Civil Life, relates the following story—the scene of it Florence while

he was a resident there: "A person of rank, having married a lady of virtue and beauty, happened to cast his eye upon a girl, who being poor was easily induced to comply with his desires. The lady, being sensible of some abatement in her husband's love, soon discovered the true cause; and finding, on closer examination, that her rival's apartments were very meanly furnished, she gave directions for fitting them up with an elegance suitable to her husband's condition. At his next visit, the husband was not a little surprised at so agreeable an alteration, and commended the good use she had made of his liberality. His charmer told him, that they were of his own sending, at least they were brought by men in his livery. This led him to understand whence this new furniture must come; and, upon his returning home and questioning his lady about it, she answered, that such was her affection for him, that she loved him in all places, and was desirous of doing any thing for his convenience, credit and comfort. This behaviour effectually broke off the new intrigue, and occasioned him to confine his love entirely to his deserving lady, who had the generosity to settle an annuity on the forsaken girl."

We are also told of "a lady, who, on her husband's first intimating that he apprehended she liked some other man better than himself, pre-

tended to fall into a violent fit of laughter, and then taking him round the neck, said to him—'Take care, my dear, that you do not make me vain. I now think myself both happy and honoured in being your wife; but if you are jealous of me, I shall imagine there is something extraordinary in me.'—By this method, which she constantly pursued whenever she perceived in him any indications of jealousy, she not only cured him entirely of that passion, but became more endeared to him by her wit and good humour."

And, commenting on this, a recent writer says "How much more commendable was the behaviour of these women than that of those who rail at their imprudent or incontinent husbands, and by their conduct render that home which before was undesirable, quite hateful and insupportable! . . And though some may imagine that this kind of generous treatment is more than can be expected at the hands of an injured and insulted wife, there are many instances on record of women who have gone much greater lengths. Sarah, Leah and Rachel gave the most beautiful of their maids to their husbands. Livia preferred the passion of Augustus to her own interest; and the wife of King Dejaturus of Stratonica not only gave up a fair young maiden that served her to her husband's embraces, but carefully brought up the children

he had by her, and assisted them in the succession to their father's crown . . . In my opinion, where there is any positive impediment on the part of the woman, it is much better for the wife to consent voluntarily and cheerfully to his choosing a concubine, than for him to become the victim of promiscuous intercourse."

II. On the second head, of irregular progeny, we have only to inquire how far sexual infidelity is productive of this.

Now, every person conversant in the physical nature of man, is well aware, that temporary amours are scarcely ever productive, and that it is chiefly continued ones which give origin to children. This cannot better be illustrated than by the case of courtezans, who, during a long career of licentious love, scarcely ever become mothers, but who, if afterwards married, are sometimes as productive as women who have lived the most secluded and abstemious lives. It is also well known, that the commonest women, who for petty crimes are banished from the streets of London to Australia, generally become mothers, on forming any regular connection in that new world.

Instead, then, of blaming infidelity on account of its irregular productiveness, it would in general be more just to blame it on account of its non-pro-

ductiveness—on account of its useless waste of life and of its energies.

It must, however, be observed, that if the periods of association for sexual infidelity be of longer continuance, and occur between parties who are mutually capable of reproduction, and who mutually abandon themselves to that pleasure without which no reproduction can exist, then, irregular progeny may be called into life, and the crime of producing it, such as moralists may deem it, may be consummated.

Thus, in the *worst cases*, both jealousy and persecution on one hand, and irregular progeny on the other, may be the consequences of infidelity—evils assuredly sufficiently great, and sufficiently alarming to every reflecting mind—without the calling up of chimeras, or the imposition of dogmas, which succeed only at the cost of destroying the reasoning powers.

Having now seen the degree of injury to the domestic affections which infidelity may produce, as well as that in which it is likely to contribute to irregular progeny, let us examine to what extent it prevails in various nations—bearing always in mind, that, as has been already shown, both infidelity and its consequences result mainly from ill-assorted and indissoluble marriages.* In doing

* The evils of this indissoluble contract are enormously en-

this, far from apologizing for infidelity, I decidedly reprobate it: but I have here no other task to perform than that of succinctly relating the statements of the most philosophical observers of its practice in various nations. This being done, due reflexion will follow.

Of the women of RUSSIA, we are told, that they are in general pretty, and, though little instructed, are capable of learning with facility. Being generally, in consequence of ignorance, credulous and superstitious, they love whatever addresses their imagination, are charmed with the marvellous, and often pass whole evenings in listening to the tales told by their women, which amuse and attach them like children. Luxury and magnificence, naturally high objects in the esteem of such persons, are indispensible to them; and, as naturally, much of their life is passed in gambling, to which they are devoted.

Being of a grave disposition, their forms of society receive a sort of hardness when contrasted with the graces of the Polish women. If, however, in this respect they are distinguished from the

hanced, when a young and innocent girl, the wretched victim of parental ambition, is forced into the embraces of a man whom she cannot love—perhaps of an ugly or decrepid old man, freedom from whom it is a main object of this indissolubility for ever to prevent.

latter, almost all of them resign themselves to the same eastern indolence, which seems to be a characteristic of the Sclavonic race. This is naturally associated with voluptuous habits. Although, therefore, the prudery of the Russian women makes them judge severely of the Polish, and they call levity that pleasurable impulse which the latter give to society, we are assured by Segur, that "*Gallantry is as prevalent at Petersburg as at Warsaw. The first attraction, however, is concealed with more calculation; attentions are bestowed with more mystery; and pleasure is covered with a thicker veil.*"

It will further appear in the sequel, that as to infidelity, this thicker veil cast over it forms the chief difference between the women of more northern and those of more southern countries. As, moreover, this concealment requires a corresponding affectation of chastity in the northern women, it is often by an appeal to organization alone, that their functions in this respect can be judged of. Now, we find that the organization of the vital and glandular system is far more developed in the northern than in the southern races, and consequently that, among them, the necessities of love are greater. The northern races are accordingly more prolific than the southern. If the English and French are compared in this respect, it will

be found that the former far excel the latter both in the developement of vital organization and in productiveness: they are accordingly more loving, legitimately or illegitimately—a very different matter from the gallantry of their neighbours.

Of the women of POLAND, we are told, that they carry everywhere the desire to please, attractive charms, and a mixture of dignity with voluptuous graces; and that much of their time is spent in indolently reclining on their divans, in as great a variety of attitudes as of costumes.

In these women, it appears, are found all the levity and coquetry of the French; and their manners and taste for society remarkably correspond. Their conversation, however, is more piquant from its originality; and there is not in their saloons, as in those of France, that monotony of rule which tyrannizes over conversation, and which formally prescribes nearly the same words, like the same usages, when once they have been adopted.

An anonymous but acute observer says, "*The sentiment which the Polish women inspire resembles love, but is, perhaps, rather voluptuousness or love of pleasure; and in their devotion to this, all agree.*" They possess, however, in general, grace and imagination. "They know," says the same writer, "how to embellish every thing by that magic which has in it something

vague and indeterminate. They love nature without being natural, but their art becomes almost simple by its perfection; they cause themselves to be loved by the recollections which they leave and by the hopes which they inspire."

As to the women of ENGLAND, impartiality will, perhaps, be best ensured by quoting the observations of Segur, who was at once highly enlightened and unprejudiced.

Perhaps in no country are the condition and the character of women so much influenced by manners and the government. As the latter is an extensive aristocracy under the guise of a monarchy, personal objects as well as a love of country more extended than in monarchies, interest a greater number of the men in public affairs; and the importance of the women is consequently more confined to domestic matters.

English women, consigned to their true destination, says Segur, "contribute more to happiness than to pleasure. It would appear, however, that for some years past, a change has taken place in the manner of living; more time is passed in London; and *gallantry seems insensibly to establish itself.* A longer abode in the capital must necessarily lead to the relaxation of morals.

"English women live nearly in the same way with Turkish women, excepting only bolts and

eunuchs. Without being so much under surveillance, *they are not the less under constraint.* Whatever superiority they may feel over their husbands, they are obliged to respect and to fear them; and they cannot attain to command them but by obeying. For their privations, their compensation is the high consideration which they enjoy. But *as soon as they commit the slightest apparent fault, and are less respected in the world, they commit it completely.*

"Nothing is so rare as those intrigues long kept secret, and which cease before they are discovered. According to English manners, it might be thought that this would often occur, and yet there are few examples of it: constraint speedily exposes these things. A woman does all she can to resist; she knows that the happiness of her life depends on her rejecting the pleasure of a moment; but *when all her efforts have been useless, she abandons herself to the sentiment without which she can no longer live, and renounces the world which she can no longer conciliate.*

"It is seldom, when love has caused such a procedure, that the man who has made her commit this error is not anxious to repair it, and to espouse the woman whom he has seduced, and who without him would be for ever wretched. *They*

go to live together in the country, and to become every thing to each other." The French have no notion of such conclusion; and accordingly Segur makes upon it the following observations, which are best repeated in French. "C'est ce qui arriva à M. de Biron. Une personne à laquelle il avait cherché à plaire lui avoua, après quelque temps, qu'elle ne pouvait plus lui résister, et lui fit la proposition de s'enfuir dans un village d'Ecosse pour y vivre heureux le reste de leurs jours. Il eut toutes les peines du monde à éviter cet excès de bonheur."

Mr. Bulwer describes a less agreeable feature—the aristocracy of love—a branch, as I shall afterwards show, of the general aristocracy, which is the real character of the government—an aristocracy which, moreover, subsists by infusing (limitedly and safely) its own spirit into the people, by the simple but ingenious contrivance of expensive laws. These enable the man with the longest purse to trample upon all those who have shorter ones, and leave to these the rational and delightful compensation of trampling upon all who are still poorer than themselves. This is the real secret, unobserved by the people, of each grade in England despising that which is below it—as the barrister does the attorney, the attorney the bailiff, the bailiff the shopkeeper, whose throat he occa-

sionally grasps, the shopkeeper the journeymen he employs, the journeyman the shoeblack or the sweep, &c. &c. &c. In this they forget that each is on a level with the base menial who, being perpetually insulted by his master, endeavours, by way of compensation, to insult every person who knocks at his master's door. What else is the characteristic of a degraded slave? The freeman assuredly scorns equally to insult, and to be insulted.

"A poet on the banks of the Rhine," says Mr. Bulwer, "is irresistible—a lord on the banks of the Thames is the same. The lord indeed is a kind of poet—a hallowed and mystic being to people who are always dreaming of lords, and scheming to be ladies. The world of fancy to British dames and damsels is the world of fashion: Almack's and Devonshire House are the "fata morgana" of the proudest and the highest—but every village has "its set," round which is drawn a magic circle; and dear and seductive are the secret and indefinable, and frequently unattainable, charms of those within the circle to those without it.

You never hear in England of a clergyman's daughter seduced by a baker's son—of a baker's daughter seduced by a chimney-sweeper's boy. The gay attorney seduces the baker's

daughter; the clergyman's only child runs away with the Honourable Augustus ———, who is heir or younger brother to the heir, of the great house, where the races are given to the neighbourhood.

"When the Italian woman takes a lover, she indulges a desperate passion; when the English woman takes a lover, it is frequently to gratify a restless longing after rank; when a French-woman takes a lover, it is most commonly to get an agreeable and interesting companion. As Italy is the land of turbulent emotion—as England is the land of aristocratic pretension—so France is the land of conversation; and an assiduous courtship is very frequently a series of bons-mots. You hear of none of the fatal effects of jealous indignation—of the husband or the lover poignarded in the dim-lit street; you hear of no damages and no elopements; the honour of the marriage-bed is never brought before your eyes in the clear, and comprehensive, and unmistakeable shape of £20,000."

In justice to the women of England, let us also consider the sources, as to sex and rank, whence, in some measure, these immoralities spring. We find that men, and those of the highest ranks, have not only so legislated as to afford what many will deem a *natural* justification of infidelity in women, but, with all the advantages arrogated by their sex, have set them the most flagrant example.

That Englishmen and English women were at no period exempt from strictures of this kind, history proves. Henry, in his History, says, "From a letter, now extant, that was written by Boniface, Archbishop of Mentz, to Cuthbert, Archbishop of Canterbury, so early as the year 745, it would seem that England had always been famous for the production of courtezans. In exhorting him to prevent so many English nuns from going on pilgrimages to Rome, he gives this reason for it: 'Because so many of them lose their virtue before they return, that there is hardly a city or town in Lombardy, France or Gaul, in which there are not some English women who live by prostitution, to the great reproach of your church.'"

Latimer, also, in one of his sermons, says, "Here is marriage for pleasure and voluptuousnesse and for goods. And that is the cause of so much breach of wedlocke in the noblemen and in the gentlemen, and so much divorcing. And it is not in the noblemen onely, but it is come now to the inferior sort." Again, "There is such w———m in England as never was seen the like."

That the same may be said of all nations having a greatly developed vital system, we see in the Chinese. Du Halde says, "One of the Chinese classic authors considers the man as a prodigy of virtue, who, finding a woman alone in a distant apartment, can forbear abusing her." Montes-

quieu informs us that "the climate of China is surprisingly favourable to the propagation of the human species; that the women are the most prolific in the whole world; and that the most barbarous tyranny can put no stop to the progress of propagation." And a writer in Rees' Cyclopædia states that, "in that country, parents will make a contract with the future husbands of their daughters to allow them the gratification of a gallant."

The women of GERMANY, although their common country is divided into several states which are often at war, have yet great resemblance in condition and character, because they are all more or less formed by the same writings, and by a similar education.

The German women have generally less sensibility than the French. The first impression which has so much power over the vivid imagination of the Italian and Polish women, is of little consequence with them: habit attaches them more than figure or external qualities. Cold on being first addressed, they are attracted and attached in proportion as they discover in their lover the real and solid qualities which they themselves possess.

They have more sagacity in discovering the qualities of the heart than address in discerning those of the mind; and they may often be pleased as much by good actions as by beautiful ones. *They have often*, says Segur, whom I here chiefly

follow, *a simple manner of loving which causes them to be seduced by nature and simplicity.*

They are, in some respects, intermediate between the English women and the French. Less reserved than the former, and less attached to their domestic duties, they have also less levity than the latter, and are less vain: they are more unimpassioned and less coquettish.

The women of PRUSSIA afford a proof of the facility with which the female sex assume all the various styles which manners, usages and the tendency of opinion present to them. The mind of Fredreric II. has left, in that kingdom, that philosophy which, as well as a warlike tendency, was a distinctive character of his government. The women, always in accord with the spirit of the time, have cultivated the sciences and literature. The generality, accordingly, have information, perhaps a little pedantry: they are not sufficiently aware that the spirit of the universities cannot form a substitute for elegance, delicacy, gaiety and grace, which are the real ornaments of their sex.

In a warlike country, where the men are always in camps or in garrisons, where the first object of existence is to be military, there remains little time for gallantry. However, without comparing it to that of Spain and of Italy, it exists at Berlin. *Love subjects the Prussian prude*, says Segur,

as it inflames the Italian voluptuary. Everywhere the end is the same: the differences exist only in the ways, the means and the times.

The women of AUSTRIA, those of Vienna in particular, are extensively devoted to the pursuit of pleasure; and it is notorious that *cicisbeism prevails among them nearly as much as among those of Italy.*

To understand the women of FRANCE, it is necessary to know their domestic relations; and of this the following picture by the able anonymous writer I formerly quoted, is far from flattering.

"In France, the lighter character of the men leads them to reflect almost aloud on their projects, even in the presence of those who depend upon them; and a husband, from the perpetual want to communicate his ideas, to receive others, and to make an exchange of them, identifies his wife, without wishing it, with all that he thinks. *His aim is indeed to command, to be the master; but he has placed the slave in his confidence.* Whether she is of the same opinion, or is opposed to it, she is in his secret. If they love each other, the union of their minds, of their thoughts, is perfect. If they love not each other—there is at least a communication of ideas which resembles confidence!

"The Frenchman informs his companion of his power, and discusses it with her: by this means he may alter it undoubtedly, at least it is established with more form. It is the same as to opinions of all kinds. There exists between the two sexes an habitual communication. The women accordingly speak, reflect, decide on every thing, things the most frivolous as well as the most important. They are more associated with the thoughts of the men. *The men finish always by making the laws of their houses . . . It is only by the recollection of force that they succeed in this . . . The renewed struggle is unceasingly established between the two sexes.*"

Moreau acknowledges that "*The principal trait in the character of French women is an exaggerated coquetry, carried to so great an extent that it can never be conciliated with true love; it is associated necessarily with vanity; and it gives the appearance of an exclusive and devouring ambition to the desire of pleasing.* Frivolous habits, a taste for luxury, and a host of little passions, which never produce happiness, are also mixed up in this disposition, and concurring with it in perverting that sensibility which forms the chief attribute of woman, they end by *developing a temperament the baneful effects of which*

can with difficulty be stayed by moral and medical treatment.

"It has also been observed that *women whom this portrait resembles are very cold; that being continually amused with the worship which is paid them, they are less inclined to yield to the transports of pleasure, or even eventually acquire a horror at the conjugal duty.*"

A man of talent who had travelled a great deal, said correctly enough "that a Hercules who wanted to select his mistresses according to the different degrees of his temperament should begin with the Spanish women, then substitute the Italians, pass into the South of France, and *finish* with the Parisians."

These anthropological and philosophical views are necessary to the correction and qualification of the following more superficial statements of Mr. Bulwer.

"In France, *there is not even a shocking or humiliating idea attached to these sexual improprieties.* The woman, says la Bruyère, who has only one lover, says she is not a coquette. The woman who has more than one lover, says she is only a coquette. To have a lover is the natural and simple thing—nor is it necessary that you should have a violent pas-

sion [nor any passion but vanity] to excuse the frailty. Mademoiselle de Lenclos, whose opinions have descended in all their force and simplicity to the present generation, says, 'What attaches you to your lover is not always love—a conformity of ideas, of tastes, the habit of seeing him, the desire to escape yourself—la nécessité d'avoir quelque galanterie. "Gallantry"—that is the word which, in spite of all our social refinement, we have hardly yet a right understanding of.' [And never can have, without the devouring and morbid vanity described by Moreau.]

"There is nothing of passion in it—never expect a folly! Not one lady in a hundred would quit the husband she deceives for the lover whom (soi-disant) she adores. As to the gentlemen, I remember a case the other day: Madame de ——, hating her husband rather more than it is usual to hate a husband, or liking her lover rather better than it is usual to like a lover, proposed an elopement. The lover, when able to recover from the astonishment into which he was thrown by so startling and singular a proposition, having, moreover, satisfied himself that his mistress was really in earnest—put on a more serious aspect than usual. —'Your husband is, as you know, ma chère,' said he, 'my best friend. I will live with you and love you as long as you like, under his roof—that is

no breach of friendship; but I cannot do M. de —— so cruel and unfriendly a thing as to run away with you.'

"You see a very well-dressed gentleman particularly civil and attentive to a very well-dressed lady. If you call of a morning, you find him sitting by her work-table; if she stay at home of an evening for the 'migraine,' you find him seated by her sofa; if you meet her in the world, you find him talking with her husband; a stranger, or a provincial, says, 'Pray, what relation is Monsieur —— to Madame ——?' He is told quietly, 'Monsieur —— is Madame ——'s lover.' This gallantry, which is nothing more or less than a great sociability, a great love of company and conversation [great vanity], pervades every class of persons, and produces consequences, no doubt, which a love of conversation can hardly justify.

"I forget the cardinal's name, whom the conclave ought to have elected in order to suit the tablets of the mother of the great Condé, and of the beautiful Duchesse de Longueville. Is it not Madame de Motteville, who says that this great lady, sitting one day with Anne of Austria and the ladies of her court, was informed that the cardinal had been unsuccessful in his candidature for the papal chair.—'Ah!' said the good princess, 'j'en suis fâchée: il ne me manquait qu' un pape,

pour dire que j'avais eu des amans—pape, roi, ministres, guerriers, et simples gentilshommes!'

"I saw such a scene yesterday evening in the church of St. Roch," says Lady Morgan, "the rendezvous, as you know, of all the fashion of Paris. It was after vespers. I know not what tempted me to turn in; but, returning from a visit to a friend, who lodges opposite, I did so. I had scarcely sauntered up the nave, which was occupied only by two or three old women, rocking and praying in their chairs, when, to my surprise, I perceived the beautiful Duchesse de —— moving along the lateral aisle. She had a lovely child by the hand. She looked so pious, and yet so pretty —there was such a veil of devotion over her habitual coquetry, that she had the air of a Magdalen, by anticipation, doing penance for the peccadillo which she had not yet committed. She knelt before a priedieu, and drew forth her 'heures' from a reticule, casting down her dove-like eyes, and moving her beautiful lips. The child knelt and yawned beside her. While I gazed in admiration, another votarist appeared. It was our handsome Spaniard, que voilà! The duchess raised her eyes at the sound of his step, and dropped her prayer-book. The young count, of course, picked it up, but not before a billet was dropped from its leaves, and was picked up too, though not returned.

He proceeded to the high altar, and the duchess continued to pray. They arose simultaneously from their devotions; and at the moment when she stepped into her carriage, the count, who was descending the steps, hurried to assist her. I should have done so too, but he was before me. She bowed with undistinguishing coldness to both, and drove off. The whole was a scene of Spanish romance; and as my acquaintance related it, it had all the colouring of one."

"We are great fools," said a Turkish ambassador in France, "to support a seraglio at a great expense: you Christians avoid both the expense and the trouble—*your seraglio is in your friends' houses.*"

In the women of ITALY, we observe every kind of agreeable sensation become the sole pursuit of a sex which there unceasingly seeks only to enjoy and to inspire pleasure. The amusement derived from the fine arts and the theatres, an indolent and voluptuous existence, and the enjoyments of love, there constitute the employment of the life of women.

In Italy, they hold early marriages so much in esteem, that, says Misson, "in many churches and fraternities, there are annual funds established to raise portions and procure comfortable matches for poor maidens. And generally, all over Italy, care

is taken, by such charitable foundations, to provide for the necessities of the sex."

To give, however, an authentic and indisputable view of the relation which indissoluble marriage has produced between the sexes in Italy, I make the following extracts from the *Istoria Critica dei Cavalieri Serventi*.

"Among the ancient Romans, a custom nearly analogous to that now to be described, existed in the borrowing and lending of wives.

"Among us, marriage, which, in conformity with the canon law, is indissoluble,* is merely an illusory contract, drawn up by a notary and ratified by a priest, between two persons who are united—generally not to live together.

"Under a law which would enslave both parties for life, if its operation were not counteracted, men know not how to esteem their wives; and esteem is the first bond for a being who has any noble sentiments. Honesty in women is therefore discouraged very speedily, because it finds itself without object or recompence. We may say, that if the husband deprives marriage of the sweetest and most consoling joys which love bestows upon it, it is neither

* As it is in England, owing to the adoption of our ecclesiastical law.

unnatural nor painful for a lady to revenge herself, with the appearance, at least, of happiness, on the careless despot who deprives her of the reality. She is entitled to all the felicity of that state; and she is not unlikely to think it her own fault if she does not enjoy it.

"Example, moreover, bestows courage: it is generally first given by the husband, and then followed by the wife; and thenceforward they are too apt to prefer even the disorder of pleasures to that affectation of morality without object, which, even with those who mistake means for ends and words for things, serves no other purpose than that of tranquillizing conscientious prejudices. Hence springs disorder of conduct. A first choice is made; repentance follows it; a second takes place; repentance recurs; and finally there is, perhaps, less even of scrupulous selection.

"To render life regular in this country, however, this has been improved and reduced to a system, in which *cicisbeato*, a term of which the sound was probably meant to imitate the whispering of voices which murmur softly, expresses the state of courtship or love-making now to be noticed; *cicisbeare* (the verb) expresses its exercise; and *cicisbeo*, the person who exercises it.

"Now, as this practice originated with men, it

is evident that husbands, serving themselves as cicisbei to other ladies, could not enjoy such a privilege except upon reciprocal conditions: they consequently made no scruple to exchange their own happiness for that of others. It cannot be doubted that men act in this manner, since we every where hear arrangements of this kind spoken of.

"Thus, the practice of the cicisbeato has become a law, not written, but of tacit agreement, sanctioned by fashion, and corroborated by time. *Nothing indeed proves better the tacit consent of husbands to the early gallantry of women, than the crowd of cicisbei devoted to their commands;* and indeed we know that *it is often the husbands themselves who choose the cicisbei during the first year of their marriage.*

"The cicisbeato, then, designates amongst us the state of a cavaliere chosen by a lady to serve her, to accompany her in her carriage to the promenade, to entertain her, to amuse her,—in short, to render time lighter to her. He is a free and voluntary servant, distinct from the mercenary one, a person now become one of absolute necessity, because the laws of the gallant world oblige a young married woman to have always similar servants at her command.

"Among the women, the fashion commenced

with ladies of the highest rank and quality. Gradually those also of the second order have all adopted it. The women of the lower class alone live according to their ancient customs. Poor women indeed, being in general the most prolific, abounding in children and in misery, find neither the time nor the means for adorning themselves so as to captivate. Besides, jealousy, which was formerly one of the characters most justly given to the country, may still be found among the people.

"The circumstance that marriages are generally ill-assorted and always indissoluble, has been justly stated to be the first cause of this system. To understand also the origin of the strange consumption of time which attends it, it will be sufficient to observe that, in our country, the nobility and gentry have no desire to mix themselves in political affairs, that they would be ashamed of commerce, that they cannot procure a military appointment either by land or sea, and that, in their large palaces, they neither divert nor occupy themselves with any thing except music and the reading of the journals.

"Under such miserable circumstances, if a man who is rich does not indulge either in gaming or wine, what shall he do? He has no other resource against ennui except the society of a lady. Those, accordingly, who for a long time have had

recourse to such an expedient, have found themselves happy, however strange this may appear to him who does not understand it. According to them, nothing can soften the disgusts and dissipate the bitterness of life so efficaciously as the society of an amiable and agreeable woman.

"Supposing, that the more intimate relations which subsist with this lady, do not pass the limits of simple friendship, there is something more sweet and delightful in this conversation than in that of men. The heart of women is more sincere, less interested, and more constant in its inclinations; and in general they have more sensibility and delicacy.

"'Very well, very well,' I hear some one whisper: 'all this may be true: but may not a man enjoy all these advantages in the same degree of perfection, though he have no other intimacy and friendship than that of his wife, and though he do not pay court to the wife of his neighbour? And may not a lady pay the same regard to her husband?' 'No, Signore, not at all,' replied a bello spirito, of whom I asked that question the other day. 'And why not?' 'Because that is not the custom.' This reply to a question so simple will not perhaps seem too satisfactory. Custom is secondary in its influence to the great cause, ill-

assorted and indissoluble marriage: but it is still influential.

"Accordingly, notwithstanding the most perfect harmony and the most constant union, which in families we observe to reign between the husband and the wife, such is the new or additional influence introduced by custom, that they must separate every evening to go to the conversazione or to the theatre—at least, if they desire to avoid ridicule and not to become the talk of every body. Notwithstanding this, married people thus circumstanced, are certainly happier than those whom, not custom and etiquette, but their own bad temper, or their aversion for each other, obliges to separate.

"It sometimes occurs, which is however very rare, that a young husband pretends to exempt his wife from this custom, and becomes very speedily the talk of the town; but that afterwards, becoming more experienced, and leaving his wife at liberty, he enters into the service of another lady.

"It is therefore established that a cavalier servente is a species of ornament which a married woman absolutely cannot dispense with.

"In our times, the cavalier servente has attained the highest degree of perfection and elegance. He is ordinarily a young but poor gentleman,

whose means do not permit him to keep a carriage, and who thinks himself very fortunate to be admitted, under favourable auspices, into the most brilliant society, and to be carried to the theatre as the companion of his lady.

"It is not, however, always an easy thing to find a cavalier servente who pleases equally the husband and the wife. There are cavalieri of whom the figure and the spirit must certainly suit much better the taste of the ladies whom they serve, than that of their husbands. Sometimes, again, the husband is poor, and the cavaliere is rich; and in this case they perhaps combine together more easily.

"At present, custom prescribes that the cavalier servente make a visit to his lady when at her toilet, where together they arrange the plan of their evening. He takes leave before dinner; and he returns soon after, to conduct the lady to the promenade, to the conversazione, to the theatre, and wherever she desires to go: he assists her in stepping up or down stairs, he shuffles the cards, he stirs her *scaldino*, and he afterwards reconducts her home, and restores her to her husband, who then re-enters upon his functions.

"Among the laws which are observed in the cicisbeato must be noticed this, that a lady cannot enter or make use of the carriage of the cavalier,

her friend: it would be presumed that she was in the service of the cavalier, and this would be an offence to the laws of conventional etiquette. There are but few ladies who, not having carriages, venture to dispense with this law.

"It must be observed that a cavalier servente devoted to the service of a foolish, capricious and extravagant woman, of whom there are some in the world, must put in practice a degree of patience more easy to be admired than to be imitated.

"There are some ladies who have two, or more cavalieri serventi; and when there are several, the woman of fashion assigns to each of them his hour of service.* There is nothing so whimsical as to see two of these servants out of livery, of whom one enters at the moment the other comes out, salute as coldly as if they had never seen each other before.

"That which seems strange and even marvellous, is to observe that men, and men of spirit too, can consume so great a portion of their time in the minute and trifling service of a lady.

"I have, indeed, often heard it said, that the women of this country have the singular art of rendering slaves even for life of their lovers. That

* Ve ne sono alcune che ne hanno due, tre, cinque, sei, ec. ed essendo parecchi, una Dama di spirito da a ciascuno di essi la loro ora di servizio.

art, whatever it may be, does not seem to depend entirely on the attractions and the graces of the person, seeing that there are not a few of them who, even when their beauty is past, and they are no longer in the age of the passions, preserve the greatest ascendancy over their lovers. A young and rich man, for instance, may be seen to espouse a very beautiful lady, and not to cease on that account to render the same attentions to his friend now grown old.

"Many of these gallant engagements, accordingly, maintain themselves during a great number of years. There are some of them which may boast of ten, twenty, and even forty years' duration. We must therefore suppose that they are founded on reciprocal esteem, on the virtue and the merit without which the most intimate union infallibly languishes and is broken.

"It must be confessed that the condition of cavalier servente includes of itself some advantages to the cavaliere.—As it is a circumstance little honourable to a married lady, if in presenting herself in the world, she has to beg for a cavalier servente; so a young man who, in this country, should be unconnected with any lady, would be suspected of bad character, of being a libertine, or at least of having the intention to become

one.* The cicisbeato gives a kind of occupation to young cadets of family, destined to celibacy by the mediocrity of their fortune, or by an absurd system (that of primogeniture) which has hitherto prevailed; and it saves them from the pernicious disorders to which unbridled youth, forming only bad acquaintance, is liable.

"A wild youth, be it understood, who gives himself up to libertinism, can with difficulty connect himself in friendship with a prudent and respectable lady, unless he has previously given unequivocal proofs of penitence and of change.

"The cicisbeato has also public advantages.—In our days, jealousy is not known, and finds no access, especially among the higher classes. There is scarcely any vestige of it even among the lowest class, where, as already said, the fashion is not yet followed. Our country is certainly indebted to this revolution in gallantry for a safety and a quiet which have put an end to so many sad accidents, to so many tragical adventures, treacheries and violences of every kind, of which our histories are full. Duels especially, in which the rights of a man over a woman are decided by bloodshed, are no longer known. The character of the nation is

* Un giovine senza la conoscenza di alcuna Dama vien sospettato di un cattivo carattere, di essere un libertino, o di avere almeno l'intenzione di devenirlo.

changed; and perhaps the ladies alone have not all the advantage of this.

"Its influence extends even to foreigners. In numerous and brilliant conversazioni, all those composing them are disposed in couples; each cavaliere conversing with his lady, and at least affecting to speak of mysterious and important affairs. Unhappy would he be who should attend one of these, without himself having some gallant engagement. He would be obliged to play the part of a tired spectator, or to depart without disturbing the well-occupied company with a useless taking leave. Strangers, therefore, soon seek to follow our example.

"I must add a few words to those foreigners who, in their books of Travels, affect to abuse this Italian custom. This is particularly the case with the English.

"Now, it is not a little curious, that, in effect, the English greatly resemble us in the preceding respects. It is a law of nature that similar causes produce similar effects; and it happens that the English marriage-law differs from that of other northern nations [even from the more enlightened and liberal law of Scotland] in being strictl founded upon our canon law, and that marriage is consequently among them quite indissoluble—the aristocracy of that country alone being favoured

by being enabled by wealth to escape from its operation in paying for an act of parliament in their especial favour.—Marriage being thus indissoluble both in Italy and in England, second marriage, while the parties to the first are alive, is in both a crime. This is a crime which we shun, and which the English perpetrate—when they can pay for it. And these are the heretics who have raved against us about the sale of indulgences, &c.!

"But, as already said, similar causes naturally produce similar effects; and the whole difference in this respect between the English and ourselves, is, that their illicit love engagements are concealed, and ours (if illicit they really be, for that is much questioned) are avowed—they add extensive fraud to the other evils inseparable from ill-assorted and indissoluble marriages. This concealment is adopted for two reasons,—partly to avoid the loss of the money, called damages, which must be paid to the husband by the lover for his wife (in England money buys everything),—and partly to withhold all bad example. But this arrangement is rendered worse than vain by their notorious actions for crim. con., in which details of indecency are published of so disgusting a nature, that they would not be tolerated here, or indeed in any other civilized country.

"If it should be denied that, as stated above, the whole difference in this respect between the

English and ourselves, is, that their illicit love engagements are concealed, and ours (if illicit they be) are avowed—that they add extensive fraud to the other evils inseparable from ill-assorted and indissoluble marriages,—we know that the moral life of the very highest class of English who visit this country is in no respect more praiseworthy than our own under the same indissoluble law,—we also know that their journals are filled with actions for crim. con.,—we know that where one action for crim. con. takes place, the love still remaining for the erring wife, or the public shame, or the want of money to defray their expensive law-processes, causes thousands to be hushed up and carefully concealed,—we know that for one case that is even thus hushed up, there must be hundreds of thousands which can never be suspected,—in fine, we know that human nature, whatever national pretensions may say, is everywhere the same.

"It is signally, therefore, to the honour of our country that, though ill-assorted marriages are formed (often contrary to the wishes of the contracting parties), though an indissoluble contract cruelly prevents all escape from these, and though the worst that is said of the cecisbeato were really true, we, at least, do not, like the English, add to our misfortunes the crime, equally voluntary and unnecessary, of deliberate fraud, but by a public,

universal and honourable understanding, adopt the cicisbeato—often perhaps the real and respected marriage in Italy—the only means, perhaps, as their conduct would indicate, which are left to us, under existing ecclesiastical laws, to make amends for the otherwise inevitable miseries arising from this tyranny."

On all this, I will at present make only the comment, that if, with reference to our own system, we look around us to the state of married couples of our acquaintance, it certainly is astonishing to what an extent domestic unhappiness prevails.—But to me this only proves that both systems are immoral in principle, and bad in their effects.

On the subject of the effects of the cicisbeato as to irregular progeny, Bonstetten says, "The gallantry of women is the least inconvenience of cicisbeism. The great evil which results from it, is, that of there no longer being any family. As the legitimate husband has never any but illegitimate children, he can have no regard for them.

He thinks fit, however, to qualify these assertions, by adding, "There are, however, women in Italy who will have children only by their own husbands. In speaking to an ecclesiastic respecting a very gay lady who had a husband of rather weak mind, I said, 'At least his children may have some talent.'—'I do not believe it,' he replied, 'perchè non pianta mai che col marito.'"

Bonstetten ridicules this; but the priest understood the matter, and the traveller was ignorant of it.

Of the women of SPAIN, an American traveller (to whom, to Sir A. Brooke, and especially to Segur, I am chiefly indebted for the following notes) says "With all the foibles of these fair Spaniards, they are indeed not merely interesting, but in many things good and praiseworthy. Their easy, artless, unstudied manners, their graceful utterance of their native tongue, their lively conversation full of tact and pointed with espièglerie, their sweet persuasion, their attention to the courtesies of life—to whatever soothes pain or imparts pleasure, but especially their unaffected amiability, their tenderness and truth, render them at once attractive and admirable."

In Spain, until the instant when young women are married, they live in the convents or in the interior of their families. Before marriage, indeed, girls are scarcely seen or heard of, and the most innocent intercourse between the sexes is unusual and considered improper. We are assured, however, that even the convents are not exempt from love intrigues.

Matches, in Spain, are determined not by the inclination of the parties most concerned, but by the ideas of parents as to their suitability and

convenience. As, moreover, the odds are twenty to one against either party caring more than a fig for the other before they are married, so the chances are not rendered more probable of their falling in love afterwards—at least with each other. The lady finds herself united to a man who in six months' time cares much less for her than for his cigar, and spends his days at the café and his nights in intrigue.

As, however, the marriage was entered into for convenience sake, so, because it is most convenient, *they live together without separating, and soon come to a tacit understanding not to interfere in each other's private arrangements, like the fashionable couples of the day.* Though conflicting loves and connubial jealousies often lead to deadly strife among the common people, very frequently to the destruction of the female, yet in the cities husbands have become more gentle, and the duels, so common a century or two since, are now entirely unknown. Than the modern Spaniard, there is, perhaps, no being upon earth who is less troubled with feelings of jealousy.

To please the Mahometan taste of the Spaniard, his wife leads a sedentary life and grows plump; and in conformity with his gratification, we are told she consents to be frail.

Some years after her marriage, then, a young Spanish woman, commonly ignorant enough, requires to go into the world, to attend bull fights and assemblies; she desires, as a companion, a man who is agreeable to her, and frequently without loving him much at first, she attaches herself to him for fear he should attach himself to another: such is the cortejo. He differs from the cicisbeo in this, that the latter is sometimes the man devoted only to attentions, and not destined to favours, *while the cortejo is truly a favoured lover. While he reigns, no other intrudes, and if he is discarded, his place is seldom long vacant.*

This man, sometimes the friend of the husband, being less liable to disturb the order of the house, is more convenient for the woman, and is preferred to a stranger, or to another, who should not have the same advantages. He is almost always an officer or a monk, owing to the facility which both have of introducing themselves into the house, and because equally indolent, they are more at home, and can be disposed of more easily. The monks have, however, lost much of their influence, and no longer succeed but with elderly women.

Attachments in Spain continue during a long time, and immediately assume an authentic and

respected character. When two lovers quarrel, the relatives, the friends, hasten to reconcile them : every body is interested in this. It appears that this new union, which they have seen commence, is a contract to which they have been witnesses, and which they desire to maintain much more than the marriage in which they have not been consulted. A man accordingly who conducts himself wrongly towards a too faithless woman, or who renders her unhappy, finds it difficult to place himself in the same situation in regard to another. It is the same with the women, who are not esteemed except in regard to their conduct in love. Nothing is more rare in Spain than a coquette; she may deceive a man, but she will deceive only one; she will excite general indignation.

In Spain, the mantilla borrowed from the Saracens as an appendage of oriental jealousy, instead of concealing the face, now lends a new charm to loveliness. The aunt and the mother still totter at the heels of the virgin with watchful eyes; but *the wife has no longer occasion to hoodwink her duenna, ere she receive the caresses of her cortejo.*

The women of SPANISH AMERICA appear to resemble very closely their cousins of Europe.

The author of "Three Years in the Pacific" says "It is very generally acknowledged that the

Limañas exercise an almost unlimited sway over the gentlemen, whether husbands or 'cortejos.' Yet there is a most remarkable inconsistency in the habits of the people—where ladies are concerned. An unmarried lady is never permitted to go out without being attended by the mother, an old aunt, a married sister, or some chaperone; nor is she ever left alone with a gentleman, unless he be an admitted suitor. Now, it has often puzzled me to divine how young ladies, thus closely watched, can possibly find an opportunity to listen to the secret communications of their lovers. But it is this very watching which makes them such adepts in intrigue: the saya y manto is the talisman which saves them from every difficulty. In that dress, neither husbands nor brothers can easily recognise them; and to make the mask still more complete, they sometimes substitute a servant's torn saya, which precludes all possibility of discovery: their only danger is in being missed from home.

"This strict surveillance is at once removed by matrimony. *The married lady enjoys perfect liberty, and seldom fails to make use of her privilege.* Intrigues are carried on to a great extent in the fashionable circles."

The morale of Lima society may be gathered

from the fact, that females, married or single, who are known to have yielded to amatory intrigues, are received in the fashionable circles.

The women of PORTUGAL, are, in this respect, sketched by Segur.

In Portugal, the husbands, at home, have an absolute power over their wives. Every thing in society evinces the dependent condition of women, and in some families, not at Lisbon, but in the Provinces, who maintain all the strictness of ancient usages, a stranger cannot address the wife without the permission of the husband. They are even almost forced to leave the apartment when a man enters it, who has not been brought thither by the master of the house.

Notwithstanding these precautions, love intrigues are as common in Portugal as elsewhere; and we are told that the women of that country "would think their charms slighted, if, when left alone with a man, he did not make love to them. At a certain time of the year, accordingly, a woman comes to confess her weakness to her spiritual director; and the result of this is a holy reprimand, and the order to break with her lover. She quits him for eight days, receives absolution, approaches the altar, and a few days after she goes to meet her lover again. Thus, then, loving and

beloved, she passes her life in burning sacred incense and in intoxicating herself with profane: only the time which is devoted to the creature is much longer than that which is given to the creator.

The women of the PORTUGUESE COLONIES resemble those of the mother country.

A lady living in one of the most populous villages near Funchal, told a friend of the author of Rambles in Madeira, that "she believed that ***not a single woman, meaning of the peasantry in her parish, lived with her husband.*** If this statement be any thing near true, it presents a strange picture of manners,—and such as one would hardly think the existence of it compatible with the fulfilment of the general purposes of society. With *us*, there is no doubt such corruption would lead to the most frightful disorders—whereas *here* things seem to go on much as elsewhere; external decency is always consulted—more uniformly perhaps than in countries of stricter practice; and what is more inexplicable, ***the domestic affections do not seem to suffer essentially*** from a perversion which one would think must have poisoned the sentiment in its source."

From all, then, that we have said, infidelity appears pretty much the same among the Russians,

Poles, English, Germans, Prussians, Austrians, French, Italians, Spaniards and Portuguese, as among the Spartans, according to Plutarch, and the Athenians, according to Xenophon; and no where can any other artificial cause be assigned for this than indissoluble marriage and its attendant evils.

PART VI.

DIVORCE.

Few, perhaps, are ignorant that "It is not enough that a woman is lawfully contracted and led home to the house of her husband, for these circumstances are only the signs of a marriage, but do not constitute one: the man and woman must both be capable of the first duty of marriage. Hence Justinian in his Institutes has decreed, that if such a woman loses her husband before she is properly viripotens, she was never lawfully a wife."—The law of England adopts this principle in effect.

It is impossible too strongly to condemn "the practice of men marrying young and healthy women, when they know that they have incapacitated themselves by their debaucheries . . . It is the duty of women to expose men who put a cheat upon the unsuspecting of the female sex; for in the Spiritual Court, *impossibilitas officii*, by a received maxim, *solvit vinculum conjugii*."

It matters not that a mere state of mind is the cause of this. "In the affair of the Earl of Essex and the Lady Frances Howard, in the reign of James the First, it was evidently, as Archbishop Abbot told the king, *vitium animi, non corporis.*"

In treating of Marriage, in Part III, I was obliged to sketch the general principles of Divorce, because no correct notion of the former can be formed without referring to the modifications and limits which it undergoes from the latter.

Dividing divorce into divorce properly so called and repudiation, I there showed that, where children do not exist, all consideration of the propriety of divorce belongs to two independent beings, whose free and full consent can alone, with any justice, be required in that act; and that, in repudiation or separation with the consent of one party and without that of the other, if children be still absent, it is at most necessary that the repudiated party be fairly defended, and that justice be attained.

I appended the observation that neither divorce nor repudiation ought to be permitted until after a temporary separation of such duration, as shall prove that no progeny is likely to be the result of the marriage; and that it should be remembered that childless marriages of long duration are not the interest either of individuals or of society.

I next showed that the existence of children greatly modifies divorce and repudiation, and ought unquestionably to enhance their difficulty; that children constitute a third party to which the first and second have voluntarily surrendered some portion of their independence,—a party which, as it is helpless, demands the interference of a fourth party in society; and that the new relations thus produced, indicate the mode of procedure required—the new interests to be satisfied.

I observed that, from this, it seems evident that divorce and repudiation where children exist, ought not to be permitted until the children have attained such age that they cannot materially suffer by the separation of those who have produced them, or by the desertion of either of them; that such is the indication of justice which nature affords; that the precise age which children must attain, in order to permit divorce between their parents, must be a subject for due consideration; and that the child's being able to provide for itself being an essential condition, will give a greater motive to the parent desiring to separate properly to educate it.

In reply also, to the objection, that the refusal of divorce during any period so long as to answer this purpose, would be a severe infliction on the parents, I observed that this was the natural con-

sequence of their own act, that it would ensure deliberation in the most important act of life, and that it would guarantee society against the offence thrown upon it by levity, folly, and we may almost say crime, in an act so important.

Passing then from the simpler case in which there is, on neither side, any supposition of crime or offence of which the laws take cognizance, to that in which infidelity to the marriage contract exists, I showed that, if children do not exist, any moral error of licentious intercourse is obviously equal on both sides—the offence of the woman being in no way greater than that of the man in an act in which their participation is equal; that, even if children exist, and we regard the effects of licence on offspring generally or in relation to society, and not to the one only of the particular male parents deceived as to the children, the offence of both parties is equal,—there being no difference of moral blame; but that when a limited view is taken of the question—when the offence of each member of one couple is considered in relation to the other member, and not to the other family or to society, adultery, where there is progeny, has its offensive relation especially to the husband, and it is to him that its punishment falls, if punishment be justified—precisely as his punishment falls to the husband of the woman with whom he may have committed a similar offence.

It may be fairly urged, however, that, even in the last case, when the offence of each member of one couple is considered in relation to the other member, the difference of respective offence is not so considerable as might at first be supposed; for, if on one hand the husband be injured by the wife's introduction of illegitimate progeny, on the other hand the wife is injured by her husband withdrawing his affections from her and her children to those of another family.

I further observed that, in these latter views, the actual vitiation of offspring is *supposed*, as enhancing the offence of adultery on the part of the woman; but that obviously, where there is no offspring, there is no enhancement of offence, and it is perfectly equal on both sides. In reply to the further supposition, that there may be progeny, and it may be impossible to say who is the father, I referred to my work on Intermarriage for proofs, that there can be no difficulty in this, except what arises from wilful ignorance, that there never was a child which did not strikingly resemble both the parents, and that he whom a child does not resemble is not its father.

I concluded, therefore, as to this aggravation of offence, that the wife cannot be justly punished, until its commission is proved; and it has been

seen that progeny rarely result from temporary amours.

I observed that nothing can more clearly show the flagrant absurdity of all laws which make divorce difficult or unattainable in common cases, than that the commission of legal offence should render it easy—two persons being thus, for a mere error in choice, doomed, while they live, to perpetual suffering, and being, if they will only add a crime to this, rewarded by being set free; and that the principle of such savage legislation is not more absurd than its consequences are deplorable, because, in cases where divorce is desirable, it holds out encouragement to the commission of such offence as will dissolve the contract, and those who otherwise in vain seek for divorce, have only to commit the offence in order to ensure it.

Such, as there observed, seem to be the whole of the just and natural impediments which ought to be thrown in the way of divorce; and, while the removal of the unjust and unnatural restraints of a blind and barbarous legislation, would greatly diminish the sum of human misery, the just and natural restraints here proposed would guard against the vice of loose connexions and licentious separations.

That other causes besides infidelity should ope-

rate divorce, Milton has clearly and powerfully shown; and if authority were of any avail in this case, none can be higher.

"My mind," says Coleridge, "is not capable of forming a more august conception, than arises from the contemplation of this great man in his latter days; poor, sick, old, blind, slandered, persecuted,

'Darkness before, and Danger's voice behind,'

in an age in which he was as little understood by the party for whom, as by that against whom, he had contended; and among men before whom he strode so far as to dwarf himself by the distance; yet still listening to the music of his own thoughts, or if additionally cheered, yet cheered only by the prophetic faith of two or three individuals, he did nevertheless

'Argue not
Against heaven's hand or will, nor bate a jot
Of heart or hope; but still bore up and steer'd
Right onward.'

"From others only do we derive our knowledge that Milton in his latter day had his scorners and detractors; and even in his day of youth and hope, that he had enemies would have been unknown to us, had they not been likewise the enemies of his country."

As, of all the reformed churches, the Anglican alone has adhered to the Romish canon law on this subject, not only Milton but Bucer and Erasmus have laboured to remove the erroneous notions respecting divorce which have so remarkably distinguished England. On this subject, Milton himself says, "This is a providence not to be slighted, that as Bucer wrote this tractate of divorce in England and for England, so Erasmus professes he began here among us the same subject, especially out of compassion for the need he saw this nation had of some charitable redress herein, and he seriously exhorts others to use their best industry in the clearing of this point, wherein custom hath a greater sway than verity."

As Milton's arguments are spread through several works, in which they are repeated, varied and amended, I shall here select, abridge and arrange such extracts from these as to me appear to be most conclusive.

Of the STATE OR CONDITION of marriage, Milton says, "If any two be but once handed in the church, and have tasted in any sort the nuptial bed, let them find themselves never so mistaken in their dispositions through any error, concealment, or misadventure, that through their different tempers, thoughts and constitutions, they can neither be to one another a remedy against loneli-

ness, nor live in any union or contentment all their days; yet they shall, so they be but found suited to the least possibility of sensual enjoyment, be made, spite of antipathy, to fadge together, and combine as they may, to their unspeakable wearisomeness and despair of all social delight."

Reprobating the preference of the meaner ends of marriage which this implies, he says, "This I amaze me at, that though all the superior and nobler ends both of marriage and of the married persons be absolutely frustrate, the matrimony stirs not, looses no hold, remains as rooted as the centre: but if the body bring but in a complaint of frigidity, by that cold application only this adamantine Alp of wedlock has leave to dissolve; which else all the machinations of religious or civil reason at the suit of a distressed mind, either for divine worship or human conversation violated, cannot unfasten. What courts of concupiscence are these, wherein fleshly appetite is heard before right reason, lust before love or devotion? . . They can neither serve God together, nor one be at peace with the other, nor be good in the family one to another, but live as they were dead, or live as they were deadly enemies in a cage together: it is all one, they can couple, they shall not divorce till death, no though this sentence be their death.

"What is this besides tyranny, but to turn

nature upside down, to make both religion and the mind of man wait upon the slavish errands of the body, and not the body to follow either the sanctity or the sovereignty of the mind, unspeakably wronged, and with all equity complaining? What is this but to abuse the sacred and mysterious bed of marriage, to be the compulsive stye of an ungrateful and malignant lust, stirred up only from a carnal acrimony, without either love or peace, or regard to any other thing holy or human?"

How slight may be the error that incurs this condition, he shows.—"If we do but err in our choice, the most unblamable error that can be, err but one minute, one moment after those mighty syllables pronounced, which take upon them to join heaven and hell together unpardonably till death pardon; this divine blessing that looked but now with such a humane smile upon us, and spoke such gentle reason, straight vanishes like a fair sky, and brings on such a scene of cloud and tempest, as turns all to shipwreck without haven or shore, but to a ransomless captivity."

As to the CAUSE of this state of things, Milton observes, "It was for many ages that marriage lay in disgrace with most of the ancient doctors, as a work of the flesh, almost a defilement, wholly denied to priests, and the second time dissuaded

to all, as he that reads Tertullian or Jerom may see at large. Afterwards it was thought so sacramental, that no adultery or desertion could dissolve it; and this is the sense of our canon courts in England to this day, but in no other reformed church else.

"The popes of Rome, perceiving the great revenue and high authority it would give them even over princes, to have the judging and deciding of such a main consequence in the life of man as was divorce; wrought so upon the superstition of those ages, as to divest them of that right, which God from the beginning had entrusted to the husband; by which means they subjected that ancient and naturally domestic prerogative to an external and unbefitting judicature."*

He denominates this "A canonical tyranny of stupid and malicious monks, who having rashly vowed themselves to a single life, which they could not undergo, invented new fetters to throw on matrimony . . . that what with men not daring to venture upon wedlock, and what with men

* Bucer similarly says, "The Antichrist of Rome, to get the imperial power into their own hands, first by fraudulent persuasion, afterwards by force, drew to themselves the whole authority of determining and judging as well in matrimonial causes as in most matters. Therefore it has been long believed, that the care and government thereof doth not belong to the civil magistrate.

wearied out of it, all inordinate licence might abound . . . that the world thereby waxing more dissolute, they also in a general looseness might sin with more favour . . . And indeed the papists, who are the strictest forbidders of divorce, are the easiest libertines to admit of grossest uncleanness.*

Of the INJUSTICE of this state of marriage, Milton says, "For all sense and equity reclaim, that any law or covenant, how solemn or straight soever, either between God and man, or man and man, though of God's joining, should bind against a prime and principal scope of its own institution, and of both or either party covenanting.

"He who marries, intends as little to conspire his own ruin, as he that swears allegiance; and as a whole people is in proportion to an ill govern ment, so is one man to an ill marriage. If they, against any authority, covenant, or statute, may, by the sovereign edict of charity, save not only their lives, but honest liberties from unworthy bondage, as well may he against any private covenant, which he never entered to his mischief, redeem himself from unsupportable disturbances to honest peace, and just contentment.

"For no effect of tyranny can sit more heavy on the commonwealth, than this household unhap-

* See Appendix II.

piness on the family. And farewell all hope of true reformation in the state, while such an evil as this lies undiscerned or unregarded in the house; on the redress whereof depends not only the spiritual and orderly life of our grown men, but the willing and careful education of our children.

"Let this therefore be new examined, this tenure and freehold of mankind, this native and domestic charter given us by a greater lord than that Saxon king the Confessor."

Of the EFFECTS of this state, Milton says, "There follows upon this a worse temptation: for if he be such as hath spent his youth unblamably, and laid up his chiefest earthly comforts in the enjoyments of a contented marriage,—when he shall find himself bound fast to an uncomplying discord of nature, or, as it often happens, to an image of earth and phlegm, with whom he looked to be the co-partner of a sweet and gladsome society, and sees withal that his bondage is now inevitable; though he be almost the strongest christian, he will be ready to despair in virtue, and mutiny against divine providence; and this doubtless is the reason of those lapses, and that melancholy despair, which we see in many wedded persons, though they understand it not, or pretend other causes, because they know no remedy, and is of extreme danger.

"It is next to be feared, if he must be still bound without reason by a deaf rigour, that when he perceives the just expectance of his mind defeated, he will begin even against law to cast about where he may find his satisfaction more complete, unless he be a thing heroically virtuous; and that are not the common lump of men, for whom chiefly the laws ought to be made."

Proceeding to consider the REMEDY of this state, he says, "Not that licence, and levity, and unconsented breach of faith should herein be countenanced, but that some conscionable and tender pity might be had of those who have unwarily, in a thing they never practised before, made themselves the bondmen of a luckless and helpless matrimony.

"This position shall be laid down . . . 'That indisposition, unfitness, or contrariety of mind, arising from a cause in nature unchangeable, hindering, and ever likely to hinder, the main benefits of conjugal society, which are solace and peace, is a greater reason of divorce than natural frigidity, especially if there be no children, and that there be mutual consent.'

Showing the greater importance of MIND, he says, "It is indeed a greater blessing from God, more worthy so excellent a creature as man is, and a higher end to honour and sanctify the league of

marriage, when as the solace and satisfaction of the mind is regarded and provided for before the sensitive pleasing of the body.

"If the noisomeness or disfigurement of body can soon destroy the sympathy of mind to wedlock duties, much more will the annoyance and trouble of mind infuse itself into all the faculties and acts of the body, to render them invalid, unkindly, and even unholy against the fundamental law book of nature.

"And with all generous persons married thus it is, that where the mind and person please aptly, there some unaccomplishment of the body's delight may be better borne with, than when the mind hangs off in an unclosing disproportion, though the body be as it ought, for there all corporeal delight will soon become unsavoury and contemptible.

"And although the union of the sexes be considered among the ends of marriage, yet the acts thereof in a right esteem can no longer be matrimonial, than they are effects of conjugal love. When love finds itself utterly unmatched, and justly vanishes, nay rather cannot but vanish, the fleshly act indeed may continue, but not holy, not pure, not beseeming the sacred bond of marriage; being at best but an animal excretion, but more truly worse and more ignoble than that mute

kindliness among the herds and flocks, in that, preceding as it ought from intellective principles, it participates of nothing rational, but that which the field and the fold equals. For in human actions the soul is the agent, the body in a manner passive. If then the body do, out of sensitive force, what the soul complies not with, how can man, and not rather something beneath man, be thought the doer?

"How vain therefore is it, and how preposterous in the canon law, to have made such careful provision against the impediment of carnal perform ance, and to have had no care about the unconversing inabilities of mind so defective to the purest and most sacred end of matrimony; and that the vessel of voluptuous enjoyment must be made good to him that has taken it upon trust, without any caution; when as the mind, from whence must flow the acts of peace and love, a far more precious mixture than the quintessence of an excrement, though it be found never so deficient and unable to perform the best duty of marriage in a cheerful and agreeable conversation, shall be thought good enough, however flat and melancholious it be, and must serve, though to the eternal disturbance and languishing of him that complains!

"It is read to us in the Liturgy, that we must

not marry 'to satisfy the fleshly appetite, like brute beasts, that have no understanding:' but the canon so runs, as if it dreamed of no other matter than such an appetite to be satisfied; for if it happen that nature hath stopped or extinguished the veins of sensuality, that marriage is annulled." . . . On the contrary, "though all the faculties of the understanding and conversing part after trial appear to be so ill and so aversely met through nature's unalterable working, as that neither peace nor any sociable contentment can follow, it is as nothing; the contract shall stand as firm as ever, betide what will.

"What is this but secretly to instruct us, that however many grave reasons are pretended to the married life, yet that nothing indeed is thought worth regard therein, but the prescribed satisfaction of an irrational heat? which cannot be but ignominious to the state of marriage, dishonourable to the undervalued soul of man, and even to christian doctrine itself: while it seems more moved at the disappointing of an impetuous nerve, than at the ingenious grievance of a mind unreasonably yoked; and to place more of marriage in the channel of concupiscence, than in the pure influence of peace and love whereof the soul's lawful contentment is the only fountain.

"No wise man but would sooner pardon the

act of adultery once and again committed by a person worth pity and forgiveness, than to lead a wearisome life of unloving and unquiet conversation with one who neither affects nor is affected, much less with one who exercises all bitterness, and would commit adultery too, but for envy lest the persecuted should thereby get the benefit of his freedom.

"Marriage is a covenant, the very being whereof consists not in a forced cohabitation, and counterfeit performance of duties, but in unfeigned love and peace. And of matrimonial love, no doubt but that was chiefly meant, which by the ancient sages was thus parabled: that love, if he be not twin-born yet hath a brother wondrous like him, called Anteros; whom while he seeks all about, his chance is to meet with many false and feigning desires, that wander singly up and down in his likeness; by them in their borrowed garb, Love, though not wholly blind, as poets wrong him, yet having but one eye, as being born an archer aiming, and that eye not the quickest in this dark region here below, which is not Love's proper sphere, partly out of the simplicity and credulity which is native to him, often deceived, embraces and consorts him with these obvious and suborned striplings, as if they were his mother's own sons; for so he thinks them, while they sub-

tilly keep themselves most on his blind side: but after a while, as his manner, when soaring up into the high tower of his Apogœum, above the shadow of the earth, he darts out of the direct rays of his then most piercing eyesight upon the impostures and trim disguises, that were used with him, and discerns that this is not his genuine brother, as he imagined; he has no longer the power to hold fellowship with such a personated mate; for straight his arrows lose their golden heads, and shed their purple feathers, his silken braids untwine, and slip their knots, and that original and fiery virtue given him by fate all on a sudden goes out, and leaves him undeified and despoiled of all his force; till finding Anteros at last, he kindles and repairs the almost faded ammunition of his deity by the reflection of a co-equal and homogenial fire. Thus mine author sung it to me: and by the leave of those who would be counted the only grave ones, this is no mere amatorious novel (though to be wise and skilful in these matters, men heretofore of greatest name in virtue have esteemed it one of the highest arcs that human contemplation circling upwards can make from the globy sea whereon she stands), but this is a deep and serious verity, showing us that love in marriage cannot live or subsist unless it be mutual; and where love cannot be, there can be

left of wedlock nothing but the empty husk of an outside matrimony, as undelightful and unpleasing to God as any other kind of hypocrisy. So far is his command from tying men to the observance of duties which there is no help for, but they must be dissembled.

"I suppose it will be allowed us that marriage is a human society, and that all human society must proceed from the mind rather than the body, else it would be but a kind of animal or beastish meeting: if the mind therefore cannot have that due company by marriage that it may reasonably and humanly deserve, that marriage can be no human society, but a certain formality, or gilding over of little better than a brutish congress, and so in very wisdom and pureness to be dissolved."

These truths Milton repeats in Paradise Lost, where no one has yet dared to blame them:

> "Neither her outside form'd so fair, nor aught
> In procreation common to all kinds,
> So much delights me, as those graceful acts,
> Those thousand decencies that daily flow
> From all her words and actions, mix'd with love
> And sweet compliance, which declare unfeign'd
> Union of mind, or in us both one soul."

Enforcing his principle from certain DICTATES OF NATURE, he says, "There is a hidden efficacy of love and hatred in man, as well as in other kinds, not moral but natural, which though not

always in the choice, yet in the success of marriage will ever be most predominant. Besides daily experience, the author of Ecclesiasticus, whose wisdom hath set him next the bible, saith "A man will cleave to his like." But what might be the cause, whether each one's allotted genius or proper star, or whether the supernal influence of schemes and angular aspects, or this elemental crasis here below; whether all these jointly or singly meeting, friendly or unfriendly in either party, I dare not, with the men I am like to clash, appear so much a philosopher as to conjecture. The ancient proverb in Homer, less abstruse, entitles this work of leading each like person to his like, peculiarly to God himself; which is plain enough also by his naming of a meet or like help in the first espousal instituted; and that every woman is meet for every man, none so absurd as to affirm.

"Seeing then there is a two-fold seminary, or stock in nature, from whence are derived the issues of love and hatred, distinctly flowing through the whole mass of created things, and that God's doing ever is to bring the due likeness and harmonies of his works together, except when out of two contraries met to their own destruction, he moulds a third existence; and that it is error, or some evil angel which either blindly or malici-

ously hath drawn together, in two persons ill embarked in wedlock, the sleeping discords and enmities of nature, lulled on purpose with some false bait, that they may wake to agony and strife, later than prevention could have wished, if from the bent of just and honest intentions beginning what was begun and so continuing, all that is equal, all that is fair and possible hath been tried, and no accommodation likely to succeed; what folly is it still to stand combating and battering against invincible causes and effects, with evil upon evil, till either the best of our days be lingered out, or ended with some speeding sorrow?

Showing that the consideration of natural dictates takes precedence of every other, he says, "If marriage be but an ordained relation, as it seems not more, it cannot take place above the prime dictates of nature; and if it be of natural right, yet it must yield to that which is more natural, and before it by eldership and precedence in nature. Now it is not natural, that Hugh marries Beatrice, or Thomas Rebecca, being only a civil contract, and full of many chances; but that these men seek them meet helps, that only is natural; and that they espouse them such, that only is marriage.

"But if they find them neither fit helps nor tolerable society, what thing more natural, more

original, and first in nature, than to depart from that which is irksome, grievous, actively hateful, and injurious even to hostility, especially in a conjugal respect, wherein antipathies are invincible, and where the forced abiding of the one can be no true good, no real comfort to the other? For if he find no contentment from the other, how can he return it from himself? or no acceptance, how can he mutually accept? What more equal, more pious, than to untie a civil knot for a natural enmity held by violence from parting, to dissolve an accidental conjunction of this or that man and woman, for the most natural and most necessary disagreement of meet from unmeet, guilty from guiltless, contrary from contrary? It being certain, that the mystical and blessed unity of marriage can be no way more unhallowed and profaned, than by the forcible uniting of such disunions and separations. Which if we see ofttimes they cannot join or piece up a common friendship, or to a willing conversation in the same house, how should they possibly agree to the most familiar and united amity of wedlock?

"Can any thing be more absurd and barbarous, than that they whom only error, casualty, art, or plot, hath joined, should be compelled, not against a sudden passion, but against the permanent and radical discords of nature, to the most intimate

and incorporating duties of love and embracement, therein only rational and human, as they are free and voluntary; being else an abject and servile yoke, scarce not brutish? and that there is in man such a peculiar sway of liking or disliking in the affairs of matrimony, is evidently seen before marriage among those who can be friendly, can respect each other, yet to marry each other would not for any persuasion. If, then, this unfitness and disparity be not till after marriage discovered, through many causes, and colours, and concealments, that may overshadow; undoubtedly it will produce the same effects, and perhaps with more vehemence, that such a mistaken pair would give the world to be unmarried again.

"What can be a fouler incongruity, a greater violence to the reverend secret of nature, than to force a mixture of minds that cannot unite, and to sow the furrow of man's nativity with seed of two incoherent and uncombining dispositions? which act, being kindly and voluntary, as it ought, the apostle, in the language he wrote, called eunoia, and the Latins, benevolence, intimating the original thereof to be in the understanding and the will: if not, surely there is nothing which might more properly be called a malevolence rather; and is the most injurious and unnatural tribute that can be extorted from a person endued

with reason, to be made pay out the best substance of his body, and of his soul too, as some think, when either for just and powerful causes he cannot like, or from unequal causes finds not recompence.

Showing that, in violating this principle, the END OF THE ORDINANCE is missing, he says, "It is unjust that any ordinance, ordained to the good and comfort of man, where that end is missing, without his fault, should be forced upon him to an unsufferable misery and discomfort; if not commonly ruin. All ordinances are established in their end; the end of law is the virtue, is the righteousness of law: and, therefore, him we count an ill-expounder, who urges law against the intention thereof. The general end of every ordinance, of every severest, every divinist, is the good of man; yea, his temporal good not excluded. But marriage is one of the benignest ordinances of God to man, whereof both the general and particular end is the peace and contentment of man's mind, as the institution declares. Contentment of body they grant, which if it be defrauded, the plea of frigidity shall divorce: but here lies the fathomless absurdity, that granting this for bodily defects, they will not grant it for any defect of the mind, any violation of religious or civil society.

"Yet wisdom and charity, weighing God's own institution, would think that the pining of a sad spirit wedded to loneliness should deserve to be freed, as well as the impatience of a sensual desire so providently relieved . . . a sublunary and bestial burning, which frugal diet, without marriage, would easily chasten.

"No ordinance given particularly to the good both spiritual and temporal of man, can be urged upon him to his mischief.

"He, therefore, who lacking of his due in the most native and humane end of marriage, thinks it better to part than to live sadly and injuriously to that cheerful covenant (for not to be beloved, and yet retained, is the greatest injury to a gentle spirit), he, I say, who therefore seeks to part, is one who highly honours the married life, and would not stain it: and the reasons which now move him to divorce, are equal to the best of those that could first warrant him to marry; for, as was plainly shown, both the hate which now diverts him, and the loneliness which leads him still powerfully to seek a fit help, hath not the least grain of sin in it, if he be worthy to understand himself.

"Showing that, in violating this principle, EVIL INSTEAD OF GOOD is produced, he says, 'As no ordinance, so no covenant, no not between God and man, much less between man and man, being,

as all are, intended to the good of both parties, can hold to the deluding or making miserable of them both. For equity is understood in every covenant, even between enemies, though the terms be not expressed. If equity therefore made it, extremity may dissolve it.

"But faith, they say, must be kept in covenant, though to our damage. I answer, that only holds true, where the other side performs; which failing, he is no longer bound. Again, this is true, when the keeping of faith can be of any use or benefit to the other. But in marriage, a league of love and willingness, if faith be not willingly kept, it scarce is worth the keeping; nor can be any delight to a generous mind with whom it is forcibly kept: and the question still supposes the one brought to an impossibility of keeping it as he ought by the other's default; and to keep it formally, not only with a thousand shifts and dissimulations, but with open anguish, perpetual sadness and disturbance, no willingness, no cheerfulness, no contentment, cannot be any good to a mind not basely poor and shallow, with whom the contract of love is so kept. A covenant, therefore, brought to that pass, is on the unfaulty side without injury dissolved.

"The canon law and divines consent that if either party be found contriving against another's

life, they may be severed by divorce: for a sin against the life of marriage, is greater than a sin against the bed; the one destroys, the other but defiles. The same may be said, touching those persons, who, being of a pensive nature and course of life, have summed up all their solace in that free and lightsome conversation which God and man intend in marriage; whereof when they see themselves deprived by meeting an unsociable consort, they ofttimes resent one another's mistake so deeply, that long it is not ere grief end one of them. When therefore this danger is foreseen, that the life is in peril by living together, what matter is it whether helpless grief or wilful practice be the cause?

"This is certain, that the preservation of life is more worth than the compulsatory keeping of marriage; and it is no less than cruelty to force a man to remain in that state as the solace of his life, which he and his friends know will be either the undoing or the disheartening of his life. And what is life without the vigor and spiritual exercise of life? How can it be useful either to private or public employment? Shall it therefore be quite dejected, though never so valuable, and left to moulder away in heaviness, for the superstitions and impossible performance of an ill-driven bargain?

"Lest, therefore, so noble a creature as man should be shut up incurably under a worse evil by an easy mistake in that ordinance which God gave him to remedy a less evil, reaping to himself sorrow while he went to rid away solitariness, it cannot avoid to be concluded, that if the woman be naturally so of disposition, as will not help to remove, but help to increase that same God-forbidden loneliness which will in time draw on with it a general discomfort and dejection of mind, not beseeming either christian profession or moral conversation, unprofitable and dangerous to the commonwealth, when the household estate, out of which must flourish forth the vigour and spirit of all public enterprises, is so ill-contented and procured at home, and cannot be supported; such a marriage can be no marriage, whereof the most honest end is wanting: and the aggrieved person shall do more manly, to be extraordinary and singular in claiming the due right whereof he is frustrated, than to piece up his lost contentment by visiting the stews, or stepping to his neighbour's bed, which is the common shift in this misfortune; or else by suffering his useful life to waste away, and be lost under a secret affliction of an unconscionable size to human strength.

"I cannot therefore be so diffident, as not securely to conclude, that he who can receive no-

thing of the most important helps in marriage, being thereby disenabled to return that duty which is his, with a clear and hearty countenance, and thus continues to grieve whom he would not, and is no less grieved; that man ought even for love's sake and peace to move divorce upon good and liberal conditions to the divorced.

"And it is less a breach of wedlock to part with wise and quiet consent betimes, than still to foil and prophane that mystery of joy and union with a polluting sadness and perpetual distemper: for it is not the outward continuing of marriage that keeps whole that covenant, but whatsoever does most according to peace and love, whether in marriage or in divorce, he it is that breaks marriage least; it being so often written that 'Love only is the fulfilling of every commandment.'

Enforcing the principle by considering OTHER CAUSES OF DIVORCE, he says, "The law of marriage gives place to the power of parents: for we hold, that consent of parents not had may break the wedlock, though else accomplished." . . . "The papists," says Bucer, "grant their kind of divorce for other causes besides adultery, as for ill usage, and the not performing of conjugal duty; and separate from bed and board for these causes, which is as much divorce as they grant for adultery. . . . "Carvilius," continues Milton, "the first

recorder in Rome to have sought divorce, had it granted him for the barrenness of his wife, upon his oath that he married to the end he might have children; as Dionysius and Gellius are authors. . . . In some the desire of children is so great, and so just—yea, sometime so necessary, that to condemn such a one to a childless age, the fault apparently not being in him, might seem perhaps more strict than needed. Sometimes inheritances, crowns and dignities are so interested and annexed in their common peace and good to such lineal descent, that it may prove of great moment both in the affairs of men and of religion, to consider thoroughly what might be done herein, notwithstanding the waywardness of our school doctors." [By the Scottish law, this is at present a ground of divorce.] "If marriage be dissolved by so many exterior powers, not superior, as we think, why may not the power of marriage itself, for its own peace and honour, dissolve itself, where the persons wedded be free persons? Why may not a greater and more natural power complaining dissolve marriage? For the ends why matrimony was ordained, are certainly and by all logic above the ordinance itself; why may not that dissolve marriage, without which that institution hath no force at all? For the prime ends of marriage are the whole strength and validity

thereof, without which matrimony is an idol, nothing in the world.

Still inforcing the principle, by showing that the PROHIBITION is both *useless and mischievous*, he says, "The final prohibition of divorce avails to no good end, causing only the endless aggravation of evil, and therefore this permission of divorce was given to the Jews by the wisdom and fatherly providence of God; who knew that law cannot command love, without which matrimony hath no true being, no good, no solace, nothing of God's instituting, nothing but so sordid and so low, as to be disdained of any generous person. Law cannot enable natural inability either of body or mind, which gives the grievance; it cannot make equal those inequalities, it cannot make fit those unfitnesses; and where there is malice more than defect of nature, it cannot hinder ten thousand injuries, and bitter actions of despight, too subtile and too unapparent for law to deal with.

"And while it seeks to remedy more outward wrongs, it exposes the injured person to other more inward and more cutting. All these evils unavoidably will redound upon the children, if any be, and upon the whole family. It degenerates and disorders the best spirits, leaves them to unsettled imaginations and degraded hopes, careless of themselves, their households, and their

friends, unactive to all public service, dead to the commonwealth; wherein they are by one mishap, and no willing trespass of theirs, outlawed from all the benefits and comforts of married life and posterity. It confers as little to the honour and inviolable keeping of matrimony, but sooner stirs up temptations and occasions to secret adulteries and unchaste roving . . . it drives many to transgress the conjugal bed, while the soul wanders after that satisfaction which it had hope to find at home, but hath missed.

"To banish for ever into a local hell whether in the air or in the centre, or in that uttermost and bottomless gulf of chaos, deeper from holy bliss than the world's diameter multiplied; the ancients thought not of punishing so proper and proportionate for God to inflict, as to punish sin with sin. Thus were the common sort of Gentiles wont to think, without any wry thoughts cast upon divine governance. And therefore Cicero, not in his Tusculan or Campanian retirements among the learned wits of that age, but even in the senate to a mixed auditory (though he were sparing otherwise to broach his philosophy among statists and lawyers), yet as to this point, both in his oration against Piso, and in that which is about the answers of the soothsayers against Clodius, he declares it publicly as no paradox to common ears

that God cannot punish man more, nor make him more miserable, than still by making him more sinful. Thus we see how in this controversy the justice of God stood upright even among heathen disputers.

"But it maintains public honesty. Public folly rather; who shall judge of public honesty? The law of God and of ancientest christians, and all civil nations; or the illegitimate law of monks and canonists, the most malevolent, most unexperienced, most incompetent judges of matrimony?

"The law is not to neglect men under greatest sufferance, but to see covenants of greatest moment faithfullest performed. And what injury comparable to that sustained in a frustrate and false-dealing marriage, to lose for another's fault against him, the best portion of his temporal comforts, and of his spiritual too, as it may fall out? It was the law that, for man's good and quiet, reduced things to propriety, which were at first in common; how much more law-like were it to assist nature in disappropriating that evil, which by continuing proper becomes destructive?—But he might have bewared. So he might in any other covenant, wherein the law does not constrain error to so dear a forfeit. And yet in these matters wherein the wisest are apt to err, all the warnings that can be ofttimes nothing avail.—But the law

compels the offending party to be more duteous. Yes, if all these kinds of offences were fit in public to be complained of, or being compelled were any satisfaction to a mate not sottish, or malicious.— And these injuries work so vehemently, that if the law remedy them not, by separating the cause when no way else will pacify, the person not relieved betakes him either to such disorderly courses, or to such a dull dejection, as renders him either infamous, or useless to the service of God and his country. Which the law ought to prevent as a thing pernicious to the commonwealth; and what better prevention than this which Moses used?

"The law is to tender the liberty and the human dignity of them that live under the law, whether it be the man's right above the woman, or the woman's just appeal against wrong and servitude. But the duties of marriage contain in them a duty of benevolence, which to do by compulsion against the soul, where there can be neither peace, nor joy, nor love, but an enthralment to one who either cannot, or will not be mutual in the godliness and the civilest ends of that society, is the ignoblest and the lowest slavery that a human shape can be put to. This law, therefore, justly and piously provides against such an unmanly task of bondage as this.

Milton next replies to OBJECTIONS.

"Marriage is a solemn thing, some say a holy. —That wherein it differs from personal duties, if they be not truly done, the fault is in ourselves; but marriage, to be a true and pious marriage, is not in the single power of any person; the essence whereof, as of all other covenants, is in relation to another; the making and maintaining causes thereof are all mutual, and must be a communion of spiritual and temporal comforts.

"If, then, either of them cannot, or obstinately will not, be answerable in these duties, so as that the other can have no peaceful living, or endure the want of what he justly seeks, and sees no hope, then straight from that dwelling, love, which is the soul of wedlock, takes his flight, leaving only some cold performances of civil and common respects; but the true bond of marriage, if there were ever any there, is already burst like a rotten thread. Then follow dissimulation, suspicion, false colours, false pretences, and worse than these, disturbances, annoyance, vexation, sorrow, temptation even in the faultless person, weary of himself, and of all actions public or domestic; then come disorder, neglect, hatred and perpetual strife,—all these the enemies of holiness and christianity, and every one persisted in, a remediless violation of matrimony.

"Therefore God, who hates all feigning formality, where there should be all faith and sincereness, and abhors the inevitable discord, where there should be greater concord; when through another's default faith and concord cannot be, counts it neither just to punish the innocent with the transgressor, nor holy, nor honourable for the sanctity of marriage, that should be the union of peace and love, to be made the commitment and close fight of enmity and hate. And therefore doth in this law what best agrees with his goodness, loosening a sacred thing to peace and charity rather than binding it to hatred and contention; loosening only the outward and formal tie of that which is already broken, or else was really never joined.

"But marriage, they use to say, is the covenant of God. Undoubted: and so is any covenant frequently called in Scripture, wherein God is called to witness . . . So that this denomination adds nothing to the covenant of marriage, above any other civil and solemn contract: nor is it more indissoluble for this reason than any other against the end of its own ordination; nor is any vow or oath to God exacted with such a rigour, where superstition reigns not. For look how much divine the covenant is, so much the more equal, so much the more to be expected that every article thereof

should be fairly made good; no false dealing or unperforming should be thrust upon men without redress, if the covenant be so divine.

Replying to the imputation of error, he says, "Some are ready to object, that the disposition ought seriously to be considered before. But let them know again, that for all the wariness can be used, it may yet befall a discreet man to be mistaken in his choice, and we have plenty of examples. The soberest and best governed men are least practised in these affairs; and who knows not that the bashful muteness of a virgin may oft-times hide all the unliveliness and natural sloth which is really unfit for conversation; nor is there that freedom of access granted or presumed, as may suffice to a perfect discerning till too late; and where any indisposition is suspected, what more usual than the persuasion of friends, that acquaintance, as it increases, will amend all?

"And lastly, it is not strange though many, who have spent their youth chastely, are in some things not so quick-sighted, while they haste too eagerly to light the nuptial torch; nor is it therefore that for a modest error a man should forfeit so great a happiness, and no charitable means to release him; since they who have lived most loosely, by reason of their bold accustoming, prove most successful in their matches, because their

wild affections unsettling at will, have been as so many divorces to teach them experience. When as the sober man honouring the appearance of modesty, and hoping well of every social virtue under that veil, may easily chance to meet, if not with a body impenetrable, yet often with a mind to all other due conversation inaccessible, and to all the more estimable and superior purposes of matrimony useless and almost lifeless; and what a solace, what a fit help such a consort would be through the whole life of a man, is less pain to conjecture than to have experience.

Shewing that not even error can be imputed, he says, "It is most sure that some even of those who are not plainly defective in body, yet are destitute of all other marriageable gifts, and consequently have not the calling to marry, unless nothing be requisite thereto but a mere instrumental body, which to affirm, is to that unanimous covenant a reproach: yet it is as sure that many such, not of their own desire, but by the persuasion of friends, or not knowing themselves, do often enter into wedlock, where finding the difference at length between the duties of a married life, and the gifts of a single life, what unfitness of mind, what wearisomeness, scruples and doubts to an incredible offence and displeasure are like to follow between, may be soon imagined; whom thus

to shut up, and immure, and shut up together, the one with a mischosen mate, the other in a mistaken calling, is not a course that christian wisdom and tenderness ought to use.

"As for the custom that some parents and guardians have of forcing marriages, it will be better to say nothing of such a savage inhumanity, but only thus; that the law which gives not all freedom of divorce to any creature endued with reason so assassinated, is next in cruelty."

Shewing that even for error punishment should not be disproportionate, he says, "Suppose it should be imputed to a man, that he was too rash in his choice, and why he took not better heed, let him now smart, and bear his folly as he may; although the law of God, that terrible law, do not thus upbraid the infirmities and unwilling mistakes of man in his integrity: but suppose these and the like proud aggravations of some stern hypocrite, more merciless in his mercies than any literal law in the rigour of severity, must be patiently heard; yet all law, and God's law especially, grants every where to error easy remitments, even where the utmost penalty exacted were no undoing.

"With great reason, therefore, and mercy, doth it here not torment an error, if it be so, with the endurance of a whole life lost to all household

comfort and society, a punishment of too vast and huge dimension for an error, and the more unreasonable for that the like objection may be opposed against the plea of divorcing for adultery: he might have looked better before to her breeding under religious parents: why did he not more diligently enquire into her manners, into what company she kept? every glance of her eye, every step of her gait, would have prophesied adultery, if the quick scent of these discerners had been took along; they had the divination to have foretold you all this, as they have now the divinity to punish an error inhumanly. As good reason to be content, and forced to be content with your adulteress; if these objectors might be the judges of human frailty.

"But God, more mild and good to man than man to his brother, in all this liberty given to divorcement, mentions not a word of our past errors and mistakes, if any were; which these men objecting from their own inventions prosecute with all violence and iniquity. For if the one be to look so narrowly what he takes, at the peril of ever keeping, why should not the other be made as wary what is promised, by the peril of losing? for without those promises the treaty of marriage had not proceeded. Why should his own error bind him, rather than the other's fraud acquit him?

"Let the buyer beware, saith the old law-beaten termer. Belike then there is no more honesty, nor ingenuity in the bargain of a wedlock, than in the buying of a colt: we must, it seems, drive it on as craftily with those whose affinity we seek, as if they were a pack of salemen and com-plotters.—But the deceiver deceives himself in the unprosperous marriage, and therein is sufficiently punished. I answer, that the most of those who deceive are such as either understand not, or value not, the true purposes of marriage; they have the prey they seek, not the punishment: yet say it prove to them some cross, it is not equal that error and fraud should be linked in the same degree of forfeiture, but rather that error should be acquitted, and fraud bereaved his morsel, if the mistake were not on both sides; for then on both sides the acquitment would be reasonable, if the bondage be intolerable.

"Notwithstanding all this, there is a loud exception against this law of God, nor can the holy author save his law from this exception, that it opens a door to all licence and confusion.

"No man denies, that best things may be abused: but it is a rule resulting from many pregnant experiences, that what does most harm in the abusing, used rightly doth most good. And such a good to take away from honest men, for being

abused by such as abuse all things, is the greatest abuse of all.

"The very permission, which Christ gave to divorce for adultery, may be foully abused, by any whose hardness of heart can either feign adultery or dares commit, that he may divorce. And for this cause the pope, and hitherto the church of England, forbid all divorce from the bond of marriage, though for openest adultery.

"If this law, therefore, have many good reasons for which God gave it, and no intention of giving scope to lewdness, but as abuse by accident comes in with every good law, and every good thing; it cannot be wisdom in us, while we can content us with God's wisdom, nor can be purity, if his purity will suffice us, to except against this law, as if it fostered licence.

"But it will breed confusion. What confusion it would breed God himself took the care to prevent in this, that the divorced, being married to another, might not return to her former husband. And Justinian's law counsels the same in his title Nuptials. And what confusion else can there be in separation, to separate upon extreme urgency the religious from the irreligious, the fit from the unfit, the willing from the wilful, the abused from the abuser? Such a separation is quite contrary to confusion.

"But to bind and mix together holy with atheist, heavenly with hellish, fitness with unfitness, light with darkness, antipathy with antipathy, the injured with the injurer, and force them into the most inward nearness of a detested union; this doubtless is the most horrid, the most unnatural mixture, the greatest confusion that can be confused.

"Divorce being in itself no unjust or evil thing, but only as it is joined with injury or lust; injury it cannot be at law, if consent be, and Aristotle err not. And lust it may as frequently not be while charity hath the judging of so many private grievances in a misfortuned wedlock, which may pardonably seek a redemption.

"But whether it be or not, the law cannot discern or examine lust, so long as it walks from one lawful term to another, from divorce to marriage, both in themselves indifferent. For if the law cannot take hold to punish many actions apparently covetous, ambitious, ungrateful, proud, how can it forbid and punish that for lust, which is but only surmised so, and can no more be certainly proved in the divorcing now, than before in the marrying? Whence, if divorce be no unjust thing but through lust, a cause not discernible by law, as law is wont to discern in other cases, and can be no injury, where consent is; there can be nothing in

the equity of law, why divorce by consent may not be lawful.

Shewing that the POWER OF DIVORCE should rest *with the husband*, Milton says, "Another act of papal encroachment it was, to pluck the power and arbitrement of divorce from the master of the family, into whose hands God and the law of all nations had put it . . . not authorizing a judicial court to toss about and divulge the unaccountable and secret reason of disaffection between man and wife, as a thing most improperly answerable to any such kind of trial.

"For although differences in divorce about dowries, jointures, and the like, besides the punishing of adultery, ought not to pass without referring, if need be, to the magistrate; yet that the absolute and final hindering of divorce cannot belong to any civil or earthly power against the will and consent of both parties, or of the husband alone, some reasons will be here urged as shall not need to decline the touch.

"First, because ofttimes the causes of seeking divorce reside so deeply in the radical and innocent affections of nature, as is not within the diocese of law to temper with. Other relations may aptly enough be held together by a civil and virtuous love: but the duties of man and wife are such as are chiefly conversant in that love which

is most ancient and merely natural, whose two prime statutes are, to join itself to that which is good, and acceptable, and friendly, and to turn aside and depart from what is disagreeable, displeasing, and unlike: of the two this latter is the strongest, and most equal to be regarded: for although a man may often be unjust in seeking that which he loves, yet he can never be unjust or blamable in retiring from his endless trouble and distaste, when as his tarrying can redound to no true content on either side.

"Hate is of all things the mightiest divider, nay is division itself. To couple hatred, therefore, though wedlock try all her golden links, and borrow to her aid all the iron manacles and fetters of law, it does but seek to twist a rope of sand, which was a task they say that posed the devil: and that sluggest fiend in hell, Ocnus, whom the poems talk of, brought his idle cordage to as good effect, which never served to bind with, but to feed the ass that stood at his elbow. And that the restrictive law against divorce attains as little to bind any thing truly in a disjointed marriage, or to keep it bound, but serves only to feed the ignorance and definitive impertinence of a doltish canon, were no absurd allusion.

"To hinder, therefore, those deep and serious regresses of nature in a reasonable soul, parting

from that mistaken help, which he justly seeks in a person created for him, recollecting himself from an unmeet help which was never meant, and to detain him by compulsion in such an unpredestined misery as this, is in diameter against both nature and institution: but to interpose a jurisdictive power over the inward and irremediable disposition of man, to command love and sympathy, to forbid dislike against the guiltless instinct of nature, is not within the province of any law to reach; and were indeed an uncommodious rudeness, not a just power: for that law may bandy with nature, and traverse her sage motions, was an error in Callicles the rhetorician, whom Socrates from high principles confutes in Plato's Gordias. If, therefore, divorce may be so natural, and that law and nature are not to go contrary; then to forbid divorce compulsively, is not only against nature but against law.

"Next, it must be remembered, that all law is for some good, that may be frequently attained without the admixture of a worse inconvenience; and, therefore, many gross faults, as ingratitude and the like, which are too far within the soul to be cured by constraint of law, are left only to be wrought on by conscience and persuasion. Which made Aristotle, in the 10th of his Ethics to Nicomachus, aim at a kind of division of law into

private or persuasive, and public or compulsive. Hence it is, that the law forbidding divorce never attains to any good end of such prohibition, but rather multiplies evil. For if nature's resistless sway in love or hate be once compelled, it grows careless of itself, vicious, useless to friends, unserviceable and spiritless to the commonwealth. Which Moses rightly foresaw, and all wise lawgivers that ever knew man, what kind of creature he was."

In relation to the woman, he considers it "also an unseemly affront to the sequestered and veiled modesty of that sex, to have her unpleasingness and other concealments bandied up and down, and aggravated in open court by those hired masters of tongue-fence.

"It is true, an adulteress cannot be ashamed enough by any public proceeding; but the woman whose honour is not appeached is less injured by a silent dismission, being otherwise not illiberally dealt with, than to endure a clamouring debate of utterless things, in a business of that civil secrecy and difficult discerning, as not to be over much questioned by nearest friends. Which drew that answer from the greatest and worthiest Roman of his time, Paulus Emilius, being demanded why he would put away his wife for no visible reason? 'This shoe,' said he, and held it out on his foot,

'is a neat shoe, and yet none of you know where it wrings me:' much less by the unfamiliar cognizance of a feed gamester can such a private difference be examined, neither ought it.

"Again, if law aim at the firm establishment and preservation of matrimonial faith, we know that cannot thrive under violent means, but is the more violated. It is not when two unfortunately met are by the canon forced to draw in that yoke an unmerciful day's work of sorrow till death unharness them, that then the law keeps marriage most unviolated and unbroken; but when the law takes order that marriage be accountant and responsible to perform that society, whether it be religious, civil or corporal, which may be conscionably required and claimed therein, or else to be dissolved if it cannot be undergone. This is to make marriage most indissoluble, by making it a just and equal dealer, a performer of these due helps, which instituted the covenant; being otherwise a most unjust contract, and no more to be maintained under tuition of law, than the vilest fraud, or cheat, or theft that may be committed. But because this is such a secret kind of fraud or theft as cannot be discerned by law, but only by the plaintiff himself; therefore to divorce was never counted a political or civil offence neither to Jew nor Gentile.

"The law can only appoint the just and equal conditions of divorce, and is to look how it is an injury to the divorced, which in truth it can be none, as a mere separation; for if she consent, wherein has the law to right her? or consent not, then is it either just, and so deserved; or if unjust, such in all likelihood was the divorcer: and to part from an unjust man is a happiness, and no injury to be lamented. But suppose it to be an injury, the law is not able to amend it, unless she think it other than a miserable redress to return back from whence she was expelled, or but intreated to be gone, or else to live apart still married without marriage, a married widow. Last, if it be to chasten the divorcer, what law punishes a deed which is not moral but natural, a deed which cannot certainly be found to be an injury? or how can it be punished by prohibiting the divorce, but that the innocent must equally partake both in the shame and in the smart? So that, which way soever we look, the law can to no rational purpose forbid divorce, it can only take care that the conditions of divorce be not injurious. Thus then we see the trial of law, how impertinent it is to this question of divorce, how helpless next, and then how hurtful.

"But what shall then the disposal of that power return again to the master of a family? Where-

fore not, since God there put it, and the presumptuous canon thence bereft it? This only must be provided, that the ancient manner be observed in the presence of the minister and other grave selected elders."*

I may now observe how much Milton has been misrepresented on this important subject, and may take as an example what is said by a liberal writer, the author of "Plea for an Alteration of the Divorce Laws."

"Milton," he says, "held that indisposition, unfitness, or contrariety of mind, rendering the spouses incapable of affectionate attachment, was a sufficient ground for a dissolution of the marriage; and he argued with ingenuity in defence of his opinions. But he has forgotten throughout that the law cannot punish a crime unless it can define it [Milton seeks to punish no crime!]; and that it cannot pretend to pronounce against incompatibility of temper, and want of similarity of feeling [Milton makes the father of a family the judge of this!]. He has forgotten, likewise, that in whatever degree a want of harmony and affection is destructive of the objects of marriage,

* "Among the Jews," says a late writer, "a man might sue out a divorce against his wife, merely because 'she did not find favour in his eyes,' and I never heard of any serious inconveniences that resulted from the practice."

adultery must be so in a far greater, because it must inevitably destroy all the kindlier sympathies and the confidence, which are essential to domestic peace. [Milton, with Origen and others, asserts that this is not true]. And he has besides lost sight of the circumstance, that adultery is an offence against the laws of God and society, which can on no plea be palliated or justified [but Milton shows that there are greater offences]; whereas excuses may oftentimes be found for any deficiencies in temper, habits, or manners" [Milton shows that the husband can best judge of his power to endure these!].

It is remarkable that, under the present state of English law, even this writer himself elsewhere says, "It is, in nine cases out of ten, well known, that had adultery been the only evil complained of, the injured woman would have lived with a faithless partner, degraded as she might feel herself, rather than submit to the inconveniences of divorce."—Thus, in that state, there *are* greater offences or injuries than adultery, even according to this writer's own declaration.

Perhaps Milton's only error in these detailed grounds of divorce, is that he assigns not to the wife the same right or power as to the husband.

I now proceed very briefly to consider some other circumstances as to the state of English law

on this subject;—considering this as a mere appendix, not meant to obliterate from the mind the greater argument of Milton, which is in philosophical sequence with my general doctrine, but regarding it as a narrower, more local, more technical view, exhibiting the oppression to which the middling and poorer classes are subjected in England.

The spirit of the canon law, from which our English marriage law is derived, is, as already said, that marriage is absolutely indissoluble for any cause whatever. The general law of England, therefore, in this respect, is that even adultery will not dissolve a marriage.

If, indeed, either party can be proved to have committed adultery, and the other complaining, cannot be convicted either of that offence or of collusion, the ecclesiastical courts grant a divorce à mensâ et thoro. The 107th canon of the English church, however, declares that, in all cases of divorce and separation—divorce à mensâ et thoro, security must, previously to the sentence, be given, that the parties will live chastely and continently, and will not, during each other's life, contract marriage with any other persons: so that this law does not permit a second marriage after such divorce.

Under the sway of popery, nothing but a dis-

pensation from Rome could dissolve a marriage; and since the reformation, no power exists in England, but that of parliament, which can enable a party to contract a second marriage whilst both the parties to the first are living. As an indulgence and matter of usage, not of legal right, parliament, on a husband's proving the adultery of his wife, always declares the marriage to be dissolved, and permits the party to re-marry; thus not only acting against the law of the land, but encouraging the husband, both to pledge himself in the ecclesiastical court not to re-marry, and to marry again as soon as set free.

This clumsy and barbarous process is carefully calculated, by its great expense, to exclude all but the rich from its benefits. The only relief, therefore, that the poor man has in such a case, is that, by a mere divorce *à mensâ et thoro*, he is relieved from the responsibility of supporting his wife: he cannot marry again, on pain of prosecution for bigamy. Nor do his sufferings end here. Whilst a husband is not liable even for necessary provisions supplied to a wife after a divorce à mensâ et thoro, she yet may subject him to make compensation for libels, verbal slander, trespasses, or any other malicious act committed by her, though living with her paramour.—The distinction of the poor from the rich in England is as artfully

as effectively made, by the cost of justice placing it, as in this case, quite out of the reach of the poor.

In all reformed churches, but that of England, divorce for adultery or desertion not only separates, but nullifies and extinguishes the relation itself of matrimony, so that they are no more man and wife. In Scotland, in particular, great facility exists both for marriage and for divorce. A divorce may even be pronounced by the Scottish commissary court dissolving an English marriage: but such divorce is not recognised in England.

In contracting marriage, then, the parties pledge themselves to fidelity to each other; and it is therefore evident that, in equity, when one party violates the contract, the other is not bound by it. The English law recognises this principle, and declares the marriage to be in effect null and void; yet it unjustly refuses to dissolve the marriage, and prevents the parties from forming other unions!

The ill effects of this procedure are evident. Divorce à mensâ et thoro, in cases of ill usage, may be a relief to the woman; but, in this state of separation, she is exposed to manifold and severe temptations; and the husband, being prevented from marrying again, finds this an excuse for a profligate life.

How easily this cause of evil might be removed is proved by the example of Scotland. In that country, absolute dissolution of marriage is practised on the ground of adultery, as expressly recognized in scripture,—on the ground of wilful or continued desertion (if for four years), as conceived to be there permitted,—on that of cruelty or sævitia, and on some others. That remedy is recognized by the people as their undeniable right; and the substitution of the inferior redress of separation à mensâ et thoro (which is a mere separation) for such conjugal injury, would, according to the national habits of thinking, be most unsatisfactory.

"The conjugal relation," says Ferguson, "has stood infinitely more safe and secure in Scotland since the religion has become protestant, and since separations à mensâ et thoro for adultery, which were extremely common under the popish jurisdiction, have fallen into disuse." It is indeed generally acknowledged, that in all countries where the municipal law grants a complete divorce, the bond of marriage is less violated than where divorce is only partial.

It is not, however, only the poor man who is oppressed by this lordly legislation: the female sex has been equally crushed by it. Although the House of Lords, on the husband's having proved the guilt of his wife, and having recovered damages

in a court of law from her seducer, declares the marriage to be dissolved, and enables him to get rid of her, this privilege is denied to the woman who proves the guilt of her husband!—As the marriage contract places both parties on the same footing, and as the offence is the same, by whichever party committed, such a difference is a gross, daring and flagrant injustice.

Even this injustice is but a portion of a system of procedure in regard to woman which is equal y dastardly and mean.—If the husband divorce the wife, she forfeits all right to maintainance and to dower at common law, and, in all cases, he retains nearly the whole of her property. Even, moreover, if she (so far as is allowed her) divorce him, he is still permitted to retain the greater part of her fortune, nor can she obtain more than a pittance to keep her from want and disease!

Again.—By the nature of the marriage contract, the husband and wife acquire a property in each other's person; but though English law gives the husband the entire disposal of the wife's person, she does not appear to retain any property in his. He may recover damages from any man who shall invade his property in her; but she cannot recover damages from a woman who shall invade her property in him. A wife may, indeed, carry her complaint to the spiritual court, and obtain a sen-

tence and costs against the woman who shall injure her; but it is afterwards in the husband's power to release these costs, which he certainly will do, in favour of a woman whom he preferred to his wife.

Hence, as observed by the author of the Plea for an Alteration in the Divorce Laws, "cases are exceeding rare in which a wife seeks a divorce on account of her husband's adultery, unless the crime of infidelity is accompanied by gross neglect or cruel and brutal treatment, a glaring imperfection in our law."—And why is it a glaring imperfection? Because, contrary to this writer's hasty remarks on Milton, it gives the strongest proof, that, under our law at least, there are, as Milton says, greater injuries than adultery—injuries which law does not punish!

It is objected, that if, in case of adultery, a complete divorce were granted, adultery would become common.

On this subject, the author of the "Plea" says, "If the party who is injured by the adultery of the other has a right to be liberated from the matrimonial union, and if, in consequence of this right being established, it were to become common for one of the spouses to be guilty of the crime, in order to give the other a ground of accusation,—would it not be more equitable at once to grant the

right, and to determine to punish such profligacy, should it appear, than to refuse redress to the innocent, and to let the guilty escape?

"But I contend, that adultery would not be more common; and, further, would not be so common, as it is at present. The adultery of the husband is not now exposed and punished as it deserves to be, because the divorce which is granted to the prayer of the woman, in case she complains of her husband's infidelity, generally speaking, is an evil more intolerable than his faithlessness; condemning her as it does to premature widowhood, and casting her out of the situation in society which she has occupied with pleasure and credit.

"We may appeal to experience and history. In Scotland, from a very distant period, adultery has been held to entitle the injured party to seek a dissolution of the marriage; and relief has invariably been granted, in the absence of all proof of guilty negligence, connivance and collusion. And this system, it may be confidently asserted, has led to no dangerous consequences. Scotland is not the place where we read of constant infidelity among married persons, or of any gross neglect of the connubial contract; nor do we hear of divorces being daily sought for, or of continual disputes with regard to the legal heirs of property: but, on

the contrary, it is there that the moral feeling of the whole population is of the highest cast; that parents are most devoted to their children; that education is best attended to; and that the matrimonial vow is observed with the most scrupulous reverence;—and that, too, notwithstanding the facility with which marriages are completed, might naturally be expected to lead to a very different result. We know that in Scotland parties are married with little ceremony, and the impediments are much fewer than either in England or abroad. We might therefore imagine that engagements made in haste might soon be repented of, and eventually disregarded, and that, if liberty were given, numerous cases would occur. The very contrary, however, is the fact. It is universally allowed that there is no kingdom where married persons appear so fully to value domestic happiness, and to cling to each other with such undeviating affection, and where family attachments are so strong.

"Another argument which has been repeatedly advanced by those who object to any change in the present system, is this,—that if a complete divorce be granted in case one of the parties is convicted of adultery, a boon is granted to the adulterer. It is said, the individual who is guilty of adultery

must be wearied of the existing union, and must be anxious for a new one, and therefore will delight in the prospect of freedom.

"To this I answer [he might have said—that the adulterer does not need this boon, for he already has it, whilst the injured wife is neglected] that it may probably happen, that in many cases the guilty party will desire the dissolution of the marriage; but I contend that neither the wishes nor antipathies of the guilty party are to be regarded. The legislature does not interfere in compliance with the caprice of the guilty, but on the plea of the innocent. Should the adulterer be thus benefitted, the advantage he obtains is only incidental to the relief granted to the other. Surely, the Legislature is not to be prevented from granting justice and relief to those who have a right to it, through a fear lest in so doing it should meet the wishes of the undeserving.

"By declaring divorce for adultery to be a complete dissolution of the marriage, and not merely a ground of separation, the Legislature has an opportunity of doing an act of justice to those who are now aggrieved by being bound by the marriage tie after the sentence of divorce has been pronounced."

On the general worthlessness of English law on

this great subject, an excellent article in The Dispatch makes the following observations.

"From a regulation of the intercourse of the sexes proceeds all the happiness or all the miseries of human life. How, then, stands the case in our country?

"A man with a very large sum of money may get a divorce from the houses of parliament, and may marry again. A man with a smaller, but considerable sum of money, may get, from the ecclesiastical courts, a half divorce, which relieves him merely from his wife's debts, but does not enable him to enter into another matrimonial connexion. A man with no money, or an insufficient sum, can have no divorce at all. In short, in this most enlightened country, the whole subject of divorce is divested by the clergy [strange to tell!] of all religion and virtue, and made simply a question of capacity to pay.

"Of course, the majority of the people must be poor; an immense majority must be too destitute to afford such enormous expenses; and hence the bulk of society, in these kingdoms, are out of the pale of the law . . . On such an important subject as marriage, the law ought solely to consult the greatest good of the greatest number. Here, we find the directly opposite principle: the law is

made for the convenience of the few, whilst it entirely excludes the necessities of the many.

"Divorce, by act of parliament, is perhaps, the worst stain upon our national character. Is divorce good or bad? If the former, give it to all whose case requires it: if the latter, bestow it upon none. At present, it is but a mere sale of a licence for vice . . . A divorce bill is simply a form, in which, for the sake of money, our legislators set aside—what they declare to be the law of God [whenever it is asked for by the poor man who cannot pay, or by the helpless woman!] A divorce bill is merely a question of rank and money. In any honest and sensible mind, the mention of such a bill raises only ideas of the villainy of law.

"Our ecclesiastical courts are the object of ridicule throughout Europe . . . Government would alter the law; but the moment they wish to reform an ecclesiastical court, they are overwhelmed with the cry of 'The Church in danger!'"

The consequence of this is, that there have, of late years, been many instances of married people who had agreed to part, going from England to reside in Scotland, that they might be considered as inhabitants of that country, and therefore entitled to divorce in the same manner as if they had been natives.

During the past year, the tribunals of Prussia

have pronounced three thousand two hundred and ninety-one divorces. As the suits amounted to three thousand eight hundred and eighty-eight, only five hundred and ninety-seven (scarcely one sixth) were unsuccessful. In France, the average is one divorce out of one hundred and eighty-four marriages. In England, the annual average of parliamentary divorces is about two and a half!—Those who know that human nature is every where nearly the same, and who at the same time know aught of England, are aware that in this case the apparent differences are equalized by undivorced but miserable couples, and by an extensive system of infidelity, concubinage and prostitution, which are ten thousand times more injurious to human happiness than reasonable divorce.

Certain classes have, moreover, their sale of wives, of which the following is an example, from the Lancaster Herald.

"Sale of a Wife at Carlisle.—The inhabitants of this city lately witnessed the sale of a wife by her husband, Joseph Thompson, who resides in a small village about three miles distant, and rents a farm of about forty-two or forty-four acres. She was a spruce, lively, buxom damsel, apparently not exceeding twenty-two years of age, and appeared to feel a pleasure at the exchange she was about to make. They had no children during their

union, and that, with some family disputes, caused them by mutual agreement to come to the resolution of finally parting. Accordingly, the bellman was sent round to give public notice of the sale, which was to take place at twelve o'clock; and this announcement attracted the notice of thousands. She appeared above the crowd, standing on a large oak chair, surrounded by many of her friends, with a rope or halter, made of straw, round her neck, being dressed in rather a fashionable country style, and appearing to some advantage. The husband, who was also standing in an elevated position near her, proceeded to put her up for sale, and spoke nearly as follow :—'Gentlemen, I have to offer to your notice my wife, Mary Anne Thompson, otherwise Williamson, whom I mean to sell to the highest and fairest bidder. It is her wish as well as mine to part for ever. I took her for my comfort, and the good of my house, but she has become my tormentor and a domestic curse, &c. &c. &c. Now I have shown you her faults and her failings, I will explain her qualifications and goodness. She can read fashionable novels and milk cows; she can laugh and weep with the same ease that you could take a glass of ale; she can make butter, and scold the maid; she can sing Moore's melodies, and plait her frills and caps; she cannot make rum, gin, or whisky, but

she is a good judge of their quality from long experience in tasting them. I therefore offer her, with all her perfections and imperfections, for the sum of fifty shillings.'—After an hour or two, she was purchased by Henry Mears, a pensioner, for the sum of twenty shillings and a Newfoundland dog. The happy pair immediately left town together, amidst the shouts and huzzas of the multitude, in which they were joined by Thompson, who, with the greatest good-humour imaginable, proceeded to put the halter, which his wife had taken off, round the neck of his Newfoundland dog, and then proceeded to the first public-house, where he spent the remainder of the day."

"These," says a London Paper, commenting upon them, "are usually entitled disgraceful occurrences—and disgraceful they certainly are to the state of our law, which affords redress for the grievances of an unfortunate match, only to the rich, who can purchase relief by means of an act of parliament or a suit at law for a divorce. Why should two people, who are proved to be totally and hopelessly unfitted to live with each other happily, not be allowed to separate upon a mutual arrangement, sanctioned by a magistrate? The present state of the law does not prevent separations amongst the poorer classes: it occasions them to be made in such modes as are injurious to

the public morals, and create fearful misery, and often fatal crimes. In some instances, the separation is effected by desertion, when all sorts of collateral obligations are broken; in others, the parties defy all shame and live in open adultery. In two cases, which occurred during the last assizes, a separation was effected by murder, when, if the parties had been rich, the circumstances which formed the motive to the murder would have obtained for them a divorce from the superior courts. It is a vulgar belief that such public sales are legal and valid as a divorce. Their frequency only shows most forcibly the intensity of the evil, which impels them to brave public shame and ridicule for the sake of that redress which ought to be given by the law, if in this country it were rational, cheap and available to the many."

Wise laws as to the relations of the sexes must be founded on a better knowledge of their respective organization.

PART VII.

CONCUBINAGE AND COURTEZANISM.

The consequence of all these oppressions is a very extensive system of concubinage and courtezanism.

Previous, however, to describing these effects of this unjust contract, let us briefly examine Polygamy, another form of marriage, of which the general injustice has been already shown, but of which the effects must now be seen, in order to be the more closely compared with those of indissoluble monogamy.

Polygamy is almost universally extended among mankind, while monogamy is known only in Europe and its colonies.

In Turkey, it is limited to four. No man can take a greater number of wives; but he is allowed the society of as many slaves as he can purchase; and the children by such slaves are equally legitimate with those born in wedlock, upon performing a public act of manumission before the Cadi.

Marriage is there a civil institution, effected by the suitor, with the next male relative of the bride, appearing before the magistrate, avowing his affection for a woman he never saw, and making a settlement on her according to his circumstances. Having thus owned her for his lawful wife, the match is registered.

The woman, in Turkey, can only have one plea for demanding a divorce; the man has several; and he finds, says Mr. Madden, little difficulty in separating from a loathed or injured wife.—When, in the East, a dowry has been given with the wife, the husband, in case of divorce, does not play the thief as in Europe: her portion is always given up.

Lady Mary Wortley Montague, in her Letters from Constantinople, says, that "when a man has divorced his wife in the most solemn manner, he can take her again upon no other terms than permitting another man to pass a night with her; and there are examples of those who have submitted to this law, rather than not have back their beloved." "This condition," says Rycaut, "the law requires as a punishment of the husband's lightness and inconstancy, and as an evidence that, though the Turkish law is very indulgent in the free choice and enjoyment of women, yet that it punishes such as unadvisedly frustrate its intentions."

The injustice of polygamy has been already so clearly shown, in establishing the justice of rational monogamy, that repetition is unnecessary. I will only reply to a few arguments specially adduced in its favour.

We are told, that polygamy is a natural consequence of the warm temperatures of the East, and of the constitution of the Orientals; that, in hot climates, love commences early, is violent during its existence, and is speedily exhausted; that there women also fade quickly and lose their fruitfulness early; and that their early sterility must be compensated by their number.

The answer to this is easy. There appears to be even less difference, as to the duration of reproductive power, between man and woman in the East, than there is in Europe. If an Indian girl be marriageable at nine, and appear old and worn out at five and twenty, the youth, capable of reproduction at thirteen, is worn out at thirty. The duration of reproductive power is therefore nearly equal in the two sexes; and consequently no argument for polygamy can be founded on its longer continuance in the male. As, moreover, the wants of love in any one woman are as great and as frequent as in any one man, it becomes obvious that polygamy is only a gross abuse.

Allowing, however, that man could everywhere

reproduce later than woman, it may be observed that nature, while in advanced life she permits the mere pleasures of love to both sexes, would seem to have beneficently rendered them unproductive, by the earlier sterility of the female; for assuredly there can be no greater misfortune than to bring into the world beings for whom the old age of the parents renders it impossible for them to provide.

It is also argued that, in the East, women are much more numerous than men; and that from this, it would appear as if polygamy had been pointed out by nature itself; for, were they obliged to confine themselves to one wife, the rest would be useless, and this superabundance would be an exception to a very true axiom, that nature has produced nothing in vain.

It is indeed true, that among polygamous animals, there are more females than males,—more ewes, does and heifers, than bulls, bucks and rams, and that when men enervate themselves by polygamous marriages, the female must predominate, and bring forth more girls than boys. Forster cites examples of this amongst the polygamous nations he visited; and the same occurs wherever the husband is relatively feebler than the wife.

But what are the effects of this?—That both

man and his progeny are enervated; that it is the less powerful and laborious sex that is in some degree rendered superabundant; and that this superabundance does not even compensate for the greater number of both sexes which monogamy produces—as is clearly proved by the fact, that in those countries where polygamy is established by law, a smaller number of inhabitants are produced on an equal space of ground than in countries where monogamy prevails. "It is generally observed," says Chardin, "both in Persia and throughout the East, that the increase of women does not augment the number of inhabitants, and that families are in general less numerous in Persia than in France."

Moreover, it is acknowledged that in countries where polygamy is permitted, it never becomes general except amongst the rich; and that the mass of the people are monogamists, and do not take a second wife till the first has grown old. "Arguing," says Sir A. Brooke, "from the circumstance that the number of persons who possess two, three, or four wives, form a very inconsiderable portion of the population, the males and females in Morocco would seem to be more evenly balanced than in Europe."

The near equality in numbers of the sexes

seems, then, to indicate the natural law in favour of monogamy—there not being a sufficient number of prolific women in the world for general polygamy.

Polygamy, moreover, is very generally accompanied by female slavery. In Turkey, though marriages are contracted in various ways, and though there is a distinction between the women, they are in general all slaves. Through a great part of the East, the husband generally pays the dowry to the parents, of whom he purchases the daughter; and she has no equality with him, who regards her chiefly as the means of enjoyment.

Women, says Burckhardt, "being considered in the East as inferior creatures, to whom some learned commentators on the Koran deny even the entrance into Paradise, their husbands care little about their strict observance of religious rites, and many of them even dislike it, because it raises them to a nearer level with themselves; and it is remarked, that the woman makes a bad wife, who can once claim the respect to which she is entitled by the regular reading of prayers."

Nor is this without strong sanction from their religious creed. The Koran, dispensing altogether with women of the human race, says, "But all these glories will be eclipsed by the resplendent and ravishing girls of paradise, called, from their black eyes, 'Hur al oyun,' the enjoyment of whose

company will be a principal felicity of the faithful." These, they say, are created not of clay, as mortal women are, but of pure musk.

Several causes are stated as concurring to promote this degradation. Montesquieu in particular says, "Women in warm climates are marriageable at the age of eight, nine, or ten. Infancy and marriage, therefore, go almost always together: and women become old at twenty. Reason, then, and beauty, are in them never found together; when beauty wishes for sway, reason refuses it; and when reason might obtain it, beauty is no more. Women ought to be dependent: for reason cannot procure them in old age a power that beauty did not give them even in youth."

Montesquieu was very expert at writing a sort of pretty hypothetical nonsense.—"Beauty wishes for sway," and "reason refuses it!"—Whose reason, I pray? The reason of the thirteen-year-old husband? Or that of the old ass who marries a child?—There is no reason for slavery at any time.

In proof of its existence, however, Montesquieu says, "Wives are changed so often in the East, that they cannot have the power of domestic government. The care is therefore committed to the eunuchs, whom they intrust with all their keys, and the management of all their household affairs."

But, by the apologists of polygamy, we are told,

that the condition of the women in Turkey has little resemblance to slavery, and the pity given to it by Europeans has its source more in imagination than reality; that from their naturally retired and indolent habits, they care less about exercise in the open air than ourselves; that the government of an English wife over her own household does not equal that of the Turkish, which is absolute, the husband scarcely ever interfering in the domestic arrangements; that the women can, if they choose, exclude their husbands from their apartments; that they actually walk out whenever they please; that they are very fond of the bath, where large parties of them frequently meet and spend the greater part of the day, displaying their rich dresses to each other, conversing and taking refreshments; that they sometimes walk disguised through the streets of the city, without observation; that they walk veiled to the favourite promenades near the cemetery, or in the gardens of Dolma Batcke, with their attendants; that arobas full of laughing young Turkish ladies may be met driving outside of Constantinople, unattended by a guardian—going perhaps to enjoy a party of pleasure on the banks of the Bosphorus, or merely taking exercise; that they often sail in their pleasure-boats to various parts of the Bosphorus, &c.

Mrs. Elwood even says, "I suspect the Turkish

ladies are under no greater restraint than princesses and ladies of rank in our country, and the homage that is paid them seems infinitely greater. The seclusion of the Harem appears to be no more than the natural wish of an adoring husband, to guard his beloved from even the knowledge of the ills and woes that mortal man betide"!!!

In the preceding statements, referring chiefly to Constantinople, there may, as to mere physical restraint, be some truth; and there can be no doubt that, with the advance of civilization, much greater relaxation will take place; but that even such freedom is far from being general in polygamous countries, is proved by nearly every work of Travels in the East. Such statements, however, as those above quoted, even if they were more extensively true, prove little on the great point in question. In no inmate of a harem can the sentiments of love and the sweetest affections of the heart be satisfied. Polygamy gives to women their rivals as perpetual companions; and the only active feelings that can agitate them are painful ones. In all other respects, they are shut out from every variety of sensation, every useful or applauded occupation, every means of acquiring mind and intelligence, and they become in every sense of the word grown-up children.

To render this worse, one wife generally domi-

nates over the rest.—"The first wife in India," says Mirza Abou-Taleb-Khan, "especially holds a very distinguished rank; she has her house, preserves almost the sole authority over the children, and becomes their protector and support; the servants are obedient to her in particular, and the whole household is under her exclusive direction. With how many whims and caprices, does she torment the wretched husband, who never dares to see his inferior wives or mistresses except by stealth and in secret? Out of one thousand Asiatics there are scarcely fifty who have several wives, and not above ten who keep a great number; for to satisfy the wishes of so many mistresses would be both expensive and embarrassing. The ladies know too well how to increase the desire of their charms by a thousand coquettish caprices, by protracting the siege, affecting to refuse, counterfeiting disdain and coolness, and fixing a very exorbitant price on their caresses, &c. Of a truth, the subjugated husband, in the midst of these whimsical and jealous beings, who sell their freshness and their charms so dearly, lives neither a life of freedom nor happiness. The wife, who is the veriest slave, is easily able to gain her independence: if she is dissatisfied, the law in the East grants her permission to return to her father's house with her dowry and her children, without however divorcing her."

Now, we cannot suppose women quite so constant in those countries where the husband has a variety of wives, as in other countries, where he is confined to one. Indeed, where polygamy exists, the superabundance of women, however trifling, must ever render them more depraved; for as both sexes have by nature the same wants, that which is the most numerous must seek the other for the gratification of these.

In all polygamous countries, accordingly, women have the art of getting free from the most severe restraint; and the difficulty and unfrequency of opportunity, the dread of not finding it again, only render them more anxious to make the most of it. We are accordingly assured that, in many parts of the East, the wife is allowed to visit her parents, to sleep there, and to pass several weeks with them; and that she takes care to do so especially when she can give lessons in the Zenana of her female friends, to great youths of fifteen, cousins and relations that are passed off as so many children; that, when still less exposed to observation, it is sufficient to cast a glance upon an oriental woman, in order to be sure of possessing her on the first favourable occasion; and that, if a man be there left with a woman, the temptation and the fall will be the same thing; the attack certain, the resistance none.

"An Egyptian Casheff," says Mr. Madden, "took me to see one of his wives, who was dying of dropsy. He had a large harem; and, while I was examining the patient, the young ladies, who had probably never seen a Frank before, at least in their apartments, whispered with one another, and tittered in my face; they all wanted to have their pulses felt; some of them had pains in the head, some in the elbows, and one roguish-looking girl, with laughing eyes, put her hand to her left side, complaining of pain, by telling me her "heart was very hot," "elb sukne kitir." I had no doubt of her malady; but before I had time to prescribe for her, she was in a roar of laughter. Even the women of a more advanced age were exceedingly merry, considering their situation.

"On the stairs, as I followed my conductor, a hideous old black woman tapped me on the shoulder, and thrust an embroidered handkerchief into my hand. It was impossible to avoid looking back: on the top of the staircase, I encountered the laughing eyes of the lady who complained of the pain in the region of the heart: I had just time to catch a gentle smile, and to see the yellow tips of her tapering fingers pressed to her eyelids. On opening the handkerchief, I found a bit of charcoal and a clove tied with a piece of red silk, and both enclosed in a scrap of paper: there was no

writing, and none was requisite: the charcoal and the clove were eloquent.

"A Turkish husband," says Lady Craven, "who sees a pair of slippers at the door of his harem must not enter; his respect for the sex prevents him from intruding when a stranger is there upon a visit: how easy, then, is it for men to visit and pass for women! The large loose robe, which covers them from head to foot, favours this concealment."

Women being thus prone, in warm climates, to be the ready possessions of all men, jealousy becomes there endemical. On this subject, Hume's observations are excellent.

"This sovereignty of the male is a real usurpation, and destroys that nearness of rank, not to say equality, which nature has established between the sexes. We are, by nature, their lovers, their friends, their patrons: would we willingly exchange such endearing appellations for the barbarous title of master and tyrant?

"In what capacity shall we gain by this inhuman proceeding? As lovers, or as husbands? The *lover* is totally annihilated; and courtship, the most agreeable scene in life, can no longer have place where women have not the free disposal of themselves, but are bought and sold, like the meanest animal. The *husband* is as little a gainer,

having found the admirable secret of extinguishing every part of love except its jealousy. No rose without its thorn; but he must be a foolish wretch indeed, that throws away the rose and preserves only the thorn.

"But the Asiatic manners are as destructive to friendship as to love. Jealousy excludes men from all intimacies and familiarities with each other. No one dares bring his friend to his house or table, lest he bring a lover to his numerous wives. Hence, all over the East, each family is as much separate from another as if they were so many distinct kingdoms. No wonder then that Solomon, living like an eastern prince, with his seven hundred wives and three hundred concubines, without one friend, could write so pathetically concerning the vanity of the world. Had he tried the secret of one wife or mistress, a few friends, and a great many companions, he might have found life somewhat more agreeable. Destroy love and friendship, what remains in the world worth accepting?

"To render polygamy more odious, I need not recount the frightful effects of jealousy, and the constraint in which it holds the fair sex all over the East. In these countries, men are not allowed to have any commerce with the females, not even physicians, when sickness may be supposed to

have extinguished all wanton passions in the bosoms of the fair, and, at the same time, has rendered them unfit objects of desire. Tournefort tells us, that when he was brought into the Grand Seignior's seraglio as a physician, he was not a little surprised, in looking along a gallery, to see a great number of naked arms standing out from the sides of the room. He could not imagine what this could mean; till he was told that those arms belonged to bodies, which he must cure, without knowing any more about them than what he could learn from the arms. He was not allowed to ask a question of the patient, or even of her attendants, lest he might find it necessary to inquire concerning circumstances which the delicacy of the seraglio allowed not to be revealed. Hence physicians in the East pretend to know all diseases from the pulse."

Let us now look at the relation of this system to children.

As the beauty of the women of harems is the sole source of their power, they sometimes cause abortion in order the longer to preserve their attractions; and when children are produced, they are often deficient in natural vigour, because the offspring of fathers exhausted by indulgence; and in this way the race continues to degenerate. Moreover, these children afford their mothers but

a moment's consolation: the daughters, before they reach the age of puberty, are shut up in other harems; and the sons are removed still earlier.

Hume justly observes that "the bad education of children, especially children of condition, is another unavoidable consequence of these eastern institutions. Those who pass the early part of life among slaves, are only qualified to be themselves slaves and tyrants; and in every future intercourse, either with their inferiors or superiors, are apt to forget the natural equality of mankind. What attention, too, can it be supposed a parent, whose seraglio affords him fifty sons, will give to instilling principles of morality or science into a progeny, with whom he himself is scarcely acquainted, and whom he loves with so divided an affection? Barbarism, therefore, appears, from reason as well as experience, to be the inseparable attendant of polygamy.

The effects of polygamy on the parents are, in some respects, no less injurious.

"The possession of many wives," says Montesquieu, "does not always prevent their entertaining desires for the wives of others. It is with lust as with avarice, whose thirst increases by the acquisition of treasures. This is the reason why women in the East are so carefully concealed." This was also observed in ancient times. In the

reign of Justinian, many philosophers travelled into Persia. What struck them most was, that men could not abstain from adultery, even in a country where polygamy was permitted."

On the male, the extreme facility of enjoyment produces satiety. Disgusted at last with the superabundance of natural pleasures, he is said to seek among his own sex for unnatural ones. At Constantinople, youths (as Olivier informs us) are to be seen painted and perfumed, and instructed in all these disgusting vices. In the revolution which happened at Constantinople, when Sultan Ahmet was deposed, we are told that "the people having plundered the kiaya's house, they found not a single woman; and at Algiers, in the greater part of their seraglios, they have none at all."

As a man, moreover, is unable to satisfy the desires of more than one female, the natural instinct of women invents culpable, because highly injurious, modes of satisfying their wants. "The women of the East," says Chardin, "have always been accounted *tribades*. I have heard it asserted so frequently, and by so many individuals, that they are so, and that they have a method of mutually satisfying each other's passion, that I believe it to be a fact. It is prevented as much as possible, because it injures their charms, renders them sensitive, &c."[22]

Even, however, when men are free from vices of this description, an excess of natural indulgences soon breaks up the strongest constitutions, and their moral character becomes vile and despicable from impotence, cowardice, falsehood and duplicity.

Even in society at large, where women are not as free as men, there is always a proportionate want of civilization. Moreover, the despotism which thus exists in every house, always extends to political government; the state resembles the family; and they act reciprocally as cause and effect in relation to each other.

From all, then, that has been said, it is evident that love of hypothesis alone led Montesquieu to say, "Thus the law which permits only one wife is physically conformable to the climate of Europe, and not to that of Asia: this is the reason why Mahomedanism was established with such facility in Asia, and so difficultly extended in Europe; why Christianity is maintained in Europe, and has been destroyed in Asia; and in fine, why the Mahomedans have made such progress in China, and the Christians so little."

We may now consider the effects of indissoluble monogamy; and we shall find that, whatever may be the difference of forms, the actual practice of

Europe differs less from that of Asia than might be imagined. In countries which are freer and richer, inheritance renders marriage and monogamy necessary. But it does not alter the passions of the human heart under the influence of indissoluble monogamy, nor does it change the nature of humanity.—The concubines and courtezans of the West are not less numerous than the wives of the East.—Do they contribute more to morality!

The truth is, that, while women form one class in the East, they form three in the West; while in Asia the distinction of one wife from the rest depends on the will of the husband, in Europe it depends on those laws which property and inheritance create; and, while in the former other women are degraded by the will of the husband, they are here degraded by that of society, into the two subordinate classes of concubines and courtezans.

All of these classes, then, exist—all contribute to the fabric of Western society! The rigid will say that society disclaims them: the philosopher must observe, that society creates and maintains them. It is of facts, not of creeds, that we speak.

Some of the causes of concubinage and courtezanism, as already shown, are natural ones; and I believe the chief of these to be the natural love of variety, a subject which I discussed in treating of infidelity.

The periods also are frequent in which woman is physically unable to indulge in love, even if at such times she were morally so disposed. It is not, therefore, difficult to see how natural it is, that man should either maintain a combat with his passions, or should find, in concubinage, a compensation for the defects of monogamy.

When, then, we consider the frequency of these periods of indisposition on the part of woman, and when we add to this, that she is more frequently subject to sterility than he is, we cannot wonder that concubinage and courtezanism in the West are employed to compensate for polygamy in the East.

But, in addition to these natural causes of concubinage and prostitution in Europe, there is an artificial one, in indissoluble marriage and its consequences, far more noxious to the peace and happiness of mankind than any cause of nature's infliction.

We know that true love for a woman will make man not merely submit to such inconveniences, but that these will only encrease his regard; and we cannot doubt that much true love exists in society, and produces all its chaste, peaceful and beneficent effects. Under such circumstances, the reproductive secretion is not employed in the way for which it was originally given; it is taken

up again by the absorbent vessels into the system; and, instead of injuring the man who is thus continent, it strengthens and invigorates all the powers both of body and of mind. But when matrimonial slavery and the other miseries of incongruous marriage are enhanced (and enhanced they will always most surely be in persons of the greatest sensibility) by the reflection that it is indissoluble, then the most powerful and the surest cause of concubinage and courtezanizm must be called into activity.

What, then, does history tell us as to the universality of these vicious practices, in countries where monogamy has prevailed?

The Greeks appear to have had a favourable opinion of concubinage; it being permitted every where, and without scandal, to keep as many concubines as they pleased. These were called παλλακίδες; consisted usually of women either taken captives, or bought with money; and were always deemed inferior to the lawful wives, whose dowry, or parentage, or some other quality, gave them pre-eminence. There is frequent mention of them in Homer: Achilles had his Briseis, and in her absence Diomede; Patroclus, his Iphis; Menelaus and Agamemnon, and even Phœnix and Nestor, had their women. Nor, says a respectable writer, "is it to be wondered that heathens should

run out into such excesses, when the Hebrews, and those the most renowned for piety, such as Abraham and David, allowed themselves the same liberty."

In modern times, the conduct of the English and French is too notorious to require a comment.

In France, we know, that, from the time of Francis the First to the time of Louis the Fifteenth, its kings expended immense sums upon their concubines; and that the nobles almost universally followed their example.

"The name of Henri IV," says Mr. Bulwer, "is hardly more historical than that of the fair Gabrielle; nor has it ever been stated, in diminution of the respect still paid to this wise and beloved king, that his paramour accompanied him in the council, kissed him publicly before his court, and publicly received his caresses. No: the French saw nothing in this but that which was *tout Français;* and the only point which they considered of importance was, that the belle Gabrielle was really belle. On this point, considering their monarch's mistress as their own, they are inexorable; and nothing tended so much to depopularize Louis XIV as his matrimonial intrigue with the ugly old widow of Scarron. Nor is it in the amours of their monarchs only that the French take an interest. Where is the great man in

France whose fame is not associated with that of some softer being—of some softer being who has not indeed engrossed his existence, but who has smoothed and rounded the rough and angular passages of public and literary life? . . Where is the Voltaire without his Madame de Châtelet; and yet what was the nature of the poet's love for the lady whose death-bed he wept over, saying, 'Ce grossier St. Lambert l'a tuée en lui faisant un enfant?' . . Where is the Mirabeau without his Sophie de Ruffay? and yet, what was the patriot's passion for his mistress, whom he sacrificed to the payment of his debts."

"The use of concubines is so generally received at Venice," says Misson, "that the greater part of the wives live in good correspondence with their rivals. Those who are not rich enough to keep a concubine, join with two or three friends to do so; and this plurality serves only to tie the knot of friendship firmer between companions in the same fortune. Here the mothers are the first to find out concubines for their sons, that they may keep them from falling into contagious pits; and when they have made a bargain with the father and mother for some young maiden, all the relations of this girl come to wish her joy, as if it were for a marriage lawfully contracted. It is singular to see a mother deliver up her daughter for a certain

sum of money, to be paid by the month or the year, and swear solemnly by God, and upon her salvation, that she cannot afford her for less."

It is undeniable, however, that concubinage, in modern times, is too apt to produce evil consequences. It may render home indifferent; it may require secrecy, deceit and fraud; it may lead to low and degrading associations, because women of delicacy will shrink from such association; it may excite the jealous rage of the wife, &c. &c.

It would be curious to inquire why all this was not the case in ancient times, and in those nations among whom concubinage prevailed. Was this not the case, because concubinage was then lawful, —because the wife and the concubine inhabited the same house, which could not therefore be rendered in one sense indifferent,—because secrecy, deceit and fraud, could never, in such case, be called into action,—because such associations were accordingly never low and degrading,—because the concubine was the inferior of the wife only in the absence of those pretensions which belong to an undisputed rank in society,—because the want of modesty and humility in such case, became want of public as well as private decency,—because jealousy on the part of the wife, was thus deprived

of the causes of excitement?—But, no doubt, some of the same ill effects existed.

I have thus further illustrated the nature of sexual love.—I doubt whether polygamy and concubinage ever ministered sufficiently to all the variety which it licentiously demands.

That courtezanism, which does so minister, is both unsatisfactory and vicious, however inevitable under indissoluble marriage, will now appear.

It is remarkable that, in the genealogies of Christ, only four women have been named: Thamar, who seduced the father of her late husband; Rahab, a common prostitute; Ruth, who instead of marrying one of her cousins, went to bed to another of them; and Bethsheba, an adultress, who espoused David, the murderer of her first husband.

In Grecian times, Asia, then deemed the mother of voluptuousness, produced the courtezans whose arts and occupations met with no check or restraint from the laxity of Ionian morals, and were even promoted and encouraged by the corruptions of the ancient religion. In most of the Greek colonies of Asia, temples were erected to the earthly Venus; where courtezans were not merely tolerated, but honoured, as priestesses of that divinity.

The wealthy and commercial city of Corinth

first imported that practice from the East; and, as there was in it a temple of Venus, where the readiest method of gaining the goddess's favour, was to present her with beautiful damsels, who from that time were maintained in the temple and prostituted themselves for hire, Corinth became remarkable for being a nursery of courtezans; more than a thousand being at one time consecrated to the goddess.

The inhabitants of Corinth are indeed said to have attached great importance to this kind of celebrity, and purchased, in the neighbouring countries, and especially in the islands of the Archipelago, young girls, whom they brought up to be consecrated to the worship of Venus, when they had attained the proper age. The handsomest of all the hetairai or hetairides were accordingly those of Corinth; and we are told by Strabo, that there were no less than a thousand there in his time. Hence κορινθιάζειν, to act the Corinthian, is ἑταιρεύειν, to commit fornication.

The Corinthians were a genteeler sort of courtezans, and accepted no lovers but such as were able to deposit a considerable sum, as we learn from Aristophanes. This gave occasion to the proverb Οὐ παντὸς ἀνδρὸς ἐς Κόρινθο ἔθ' ὁ πλοῦς, which Horace has translated, Non cuivis hominum contingit adire Corinthum.

Their occupation, indeed, was very gainful, insomuch, that those whom beauty and talents recommended, frequently acquired great estates. A remarkable instance of this is recorded in Phryne, who offered the Thebans to rebuild the walls of their city when demolished by Alexander, on condition they would engrave on them this inscription—ΑΛΕΞΑΝΔΡΟΣ ΑΝΕΣΚΑΨΕΝ ΑΝΕΣΤΗΣΕ ΔΕ ΦΡΥΝΗ Η ΕΤΑΙΡΑ, i.e. These walls were demolished by Alexander, but raised by Phryne, the courtezan.

Aspasia, born at Miletus, the chief town of Ionia, was, we are told, the first who introduced Asiatic elegance into Europe; but Athenæus declares, that her disciples were few among the noble dames, and that the courtezans alone were eager in copying her dress and manners.

Wieland has remarked that, in Athens, where the domestic police was very severe, there were more hetairai than in the other towns of Greece. They were divided into four classes: 1st, the philosophical and poetical, as Aspasia, Leontion, &c.; 2ndly, the mistresses of kings; 3rdly, those called familiar; and 4thly, the Dicteriades. The Auletrides or flute-players, with the female dancers, corresponding to the Bayaderes of India and the Almè of Egypt, may be regarded as a separate class.

"Every one knows," says Thomas, "how enthusiastic the Greeks were of beauty. They

adored it in the temples; they admired it in the principal works of art; they studied it in the exercises and the games; they sought to perfect it by their marriages, and they offered rewards to it at public festivals.

"In Greece, the courtezans were in some measure connected with the religion of their country. The goddess of beauty had her altars; and she was supposed to protect prostitution, which was to her a species of worship.

"The courtezans were likewise connected with religion by means of the arts. Their persons afforded models for statues, which were afterwards adored in the temples.

"We are told that Phryne served as a model to Praxiteles for his Venus of Cnidos. It has also been said that Apelles, having seen the same courtezan on the sea-shore without any other veil than her loose and flowing hair, was so much struck with her appearance, that he borrowed from it the idea of his Venus rising from the waves.

"These women, moreover, appeared with distinction in all the fetes of love and pleasure.

"The greater part of them were skilled in music; and as that art was attended with higher effects in Greece than it has ever been in any other country, it must have possessed in their hands an irresistible charm.

"The modest women were confined to their own

apartments, and were visited only by their husbands and nearest relations . . . The courtezans of Athens, by living in public, and conversing freely with all ranks of people, upon all manner of subjects, acquired by degrees a knowledge of history, of philosophy, of policy, and a taste in the whole circle of the arts. Their ideas were more extensive and various, and their conversation was more sprightly and entertaining, than any thing that was to be found among the virtuous part of the sex. Hence their houses became the schools of elegance; that of Aspasia was the resort of Socrates and Pericles; and, as Greece was governed by eloquent men over whom the courtezans had an influence, the latter also influenced public affairs.

Those of the first class, like Aspasia, Theodota, Hipparete and Leontion, were skilled in uniting mental to personal graces, and to all the means of coquetry and seduction; and Plato, in one of his dialogues, makes Socrates advise Theodota respecting the means of embellishing her profession.

These women accordingly exercised a sort of influence that modern courtezans have never possessed. Hence it was, that whenever a beautiful woman appeared in Greece, her name was in every mouth, from the extremity of Peloponesus to the confines of Macedonia. Husbands, we are told,

could no longer be restrained by the caresses of the most tender wives, nor sons by the threats of imperious mothers.

It is said that the cynics of Greece practised at times a species of policy very extraordinary in its nature. When speaking publicly at Athens or Corinth against the corruption of morals, they frequently entered into such vehement declamations against the courtezans, that the greatest beauties were forced to appease those ferocious animals with caresses. It is very probable, that the person who accused the courtezan Phryne, had received a refusal, for which he sought to avenge himself by an accusation of impiety.—It was the orator Hyperides who then undertook the defence of Phryne; and certainly no spectacle could have been more interesting than to see the most beautiful woman in Greece, who had served as a model for the Venus of Cnidos, humbled at the feet of a priest, exposed to rivals jealous of her glory, surrounded by lovers, advocates and calumniators; when Hyperides threw aside her veil to disarm the most inveterate of her enemies!

Solon permitted the courtezans to exercise their profession. Nor was this thought repugnant to morals.

Cato, the Roman censor, was of the same opinion with the Greeks; and Cicero, moreover,

challenges all persons to name any time wherein *men were either reproved for this practice, or not countenanced in it.*

What a contrast to the opinion of modern philosophers, which I believe to be perfectly just! Courtezanism is in fact a deplorable consequence of the indissolubility of marriage. In modern times, indeed, and since the discovery of America in particular, the use of courtezans has become much more immoral.

But let us look at its prevalence in modern times; and in a nation commonly deemed one of the most civilized.

The mode in which the higher courtezans or mistresses have been regarded in France, may be gathered from Lady Morgan's account of Ninon de l'Enclos, which I now quote.

"The interval of a century is reckoned necessary to precede the canonization of a saint: more than a century has passed over the frailties of this too charming sinner. Time has invested with its own interest the errors, it could not give to oblivion; philosophy has seen them through the medium of the age to which they belonged; charity has absolved what it cannot excuse; and while recalling the virtues which accompanied them, it bids those who are without sin "to cast the first stone." Ninon de l'Enclos was an ex-

traordinary woman. Her frailty was shared by many of the highest rank and station of her age and country: her virtues were her own. They combined to form that bewitching but imperfect picture, which St. Evremont has left of her, and which every incident of her life illustrated:—

" L' indulgente et sage nature
A formé l'ame de Ninon,
De la volupté d' Epicure,
Et de la vertu de Caton.*

" An intellect of the very highest order; acquirements of the most extraordinary fascination;† a probity beyond all example; a spirit of independence which neither love nor friendship could tame to submission; a sobriety which (strange to say) was a virtue shared by few of her royal and noble contemporaries of her own sex; a love of

* " Ninon from bounteous nature doth inherit
A soul, endowed with ev'ry blended merit;
Where Epicurus' love of ease combines
With all the virtue which in Cato shines."

† She was one of the best linguists, the most charming narrator, musician and dancer, of her time. She had but one affectation, which was, that she required much pressing to be prevailed on to sing or to play on the lute. On the subject of these accomplishments, she observed " Une liaison de cœur est celle de toutes les pièces, où les entr'actes soient les plus longs, et les actes les plus courts: de quoi remplir ces intermèdes si non par les talens."

truth, order and economy; a moral courage, to which every great writer of her time has borne testimony, and which waited not upon circumstances to serve the oppressed, or to defend the calumniated;* and a disinterestedness that rejected every offer of splendid dependence, even from royal power and devoted friendship;†—such were the qualities which elicited the observation that 'if Ninon had been a man, the world could not have refused her the praise of having been the honestest and most gallant gentleman that ever existed.' It is necessary to recall all these rare and noble qualities, to excuse an expression of the

* The disgrace and exile of her philosophical friend, St. Evremont, called forth all the generous activity of her nature. She assisted him with her purse, while she laboured successfully with her ministerial friends to promote his recall. When, at last, she obtained it, St. Evremont had formed new ties in England, which induced him to decline availing himself of the permission.

† Madame de Maintenon, the queen of France de facto, and Christina, the queen de jure of Sweden, made repeated offers of liberal provision, which she declined. Christina paid her a visit, on the description given by the Marechal D'Albret and other Parisian wits, of the charm of her conversation, which she said far surpassed its reputation. The queen, unable to part from her, offered 'l'illustre Ninon,' as she always called her, to carry her to Rome, and to give her a residence in her palace: but Ninon preferred her own little home in the Rue des Tournelles, and declined the invitation.

intense pleasure I felt as I crossed the threshold of this modern Aspasia, and ascended the stairs, which love and genius, in their highest and most impressive impersonations, had trod with feathery steps and bounding hearts. For, to those who, 'content to dwell in decencies for ever,' have never reached 'one great or generous thought,' an excuse may be deemed necessary, for visiting, with some enthusiasm, the dwelling of the frail, but high-minded Ninon, rather than that sumptuous hermitage, where, to the last act of an eventful life, the great actress, her false friend and hypocritical rival, Mad. de Maintenon, practised stage effect for her imperial spectator the Czar, the ostentatious St. Frances of her own servile community of St. Cyr.*

"Ninon de l'Enclos was the only child of a gentleman of Touraine. A gallant officer in the army of Louis the Thirteenth, a professed philosopher of the Epicurean school, he educated his gifted daughter in the same principles which he had made the rule of his own life. His last words were, 'Be more scrupulous in the choice than the number of your pleasures.' The example in-

* In the height of her intimacy and friendship, Madame de Maintenon carried off Ninon's lover, the Marechal de Villarceux, as she afterwards did Louis the Fourteenth, from her protectress Mad. de Montespan.

fluenced but too much all that was least laudable in her conduct. Left an orphan, in the bloom of her youth and beauty, with an income of eight or ten thousand livres per annum, she purchased that house, which, in spite of the frailties of its mistress, became the resort of the most distinguished of both sexes; 'the only house,' says a contemporary writer, 'where the guests dared depend on their talents and acquirements, and where whole days could be passed without gambling and without ennui!" There she lived through the spring, summer and winter of her days; and there, at the advanced age of ninety, she died, after having through life preserved her independence by a rigid economy, which not only enabled her to entertain the first persons in France at her table, but permitted her the higher gratification of assisting improvident friends and relieving indigent merit; for which purpose she had always a year's revenue in advance.*

"'At the age of seventy,' says the Marquis de la Fare, 'she had lovers who adored her, and the most respectable persons in France for her friends. I never knew a woman more estimable, or more worthy of being regretted.'

* "Lorsque sa vieillese et sa mauvaise santé eurent multiplié ses besoins, Monsieur de la Rochefoucauld et plusieurs autres de ses amis lui envoyerent des presens et des sécours considerables: elle les refusa constamment."

"Madame de Sévigné, the only writer of her age that speaks of Ninon de l'Enclos with bitterness and aversion (justified by her own unblemished virtue and by her fears for her son), bears witness to the good *ton* of her society, and to the respectability of the persons who composed her circle. In one of her charming letters to her cousin, de Coulanges, she writes:—'Corbinelli me mande des merveilles de la bonne campagnie d' hommes qu' il trouve chez Mademoiselle de l'Enclos; ainsi, quoique dise M. de Coulanges, elle ressemble tout sur ses vieux jours, et les hommes et les femmes.'*

"But her *vieux jours* were still far off,† when she gave, in her favourite apartment, her *petits soupers* to the Sévignés, and 'à tous les Boileaux et tous les Racines,'‡ when Moliére read

* Corbinelli writes me marvels of the good men who assemble at Mademoiselle de Enclos'; and notwithstanding what M. de Coulanges may say, she collects every thing, male and female, around her in her old days.

† Ninon was fifty-six when she inspired the Marquis de Sévigné with that romantic passion which his mother has so humourously immortalized. At seventy, she made the conquest of the Baron de Benier, of the royal family of Sweden; and at eighty, she achieved the better-known victory over the heart of the Abbé Gédoyn, a young Jesuit.

‡ "To all the Boileaus and all the Racines."—Madame de Sevigné.

to her his 'Tartuffe,' to which she listened with transport; and De Tourville, his 'Demosthenes,' which she heard with an ill-concealed ennui. This imprudence converted the most ardent of her lovers into the bitterest of her enemies: for wounded vanity knows no ties; and love and friendship fall alike victims to the vengeance of mortified pretension. Genius alone can pardon the wound which judgment inflicts.

"It was in this apartment (on the second floor), which consists of four rooms en suite, hanging over the garden, and commanding a view of the hotels Soubise and la Moignon, the Bastile, &c., that we lingered the longest, and with the most recollections to excuse the delay. In her cabinet, the spot is still traditionally pointed out where Molière read to her the finest of his compositions; as is that place, in the garden under her windows, where the unfortunate and accomplished Chevalier de Villiers fell upon his sword, on discovering that the object of his fatal passion was his mother.*

* This tragical event is, by some, supposed to have happened at her villa at Picpus, near Paris, where she had invited her son for the purpose of declaring to him the secret of his birth, as the only means of curing him of his ill-fated attachment. She was, at this time, upwards of sixty. "This event," says her biographer, "made the most profound impres-

"Here [speaking of Ninon's apartment], she was found at her toilet by the noblest of her lovers, curling her beautiful hair with the contract of marriage and bond for four thousand louis he had given her the night before.* Here she restored to de Gourville the deposit of half his fortune, which he had left with her when driven into exile —the other half, confided to the Grand Pénitencier, the mirror of priestly austerity and devotion, who affected to have forgotten the transaction, and threatened his credulous friend with the consequences of his persisting in the demand. Thus deceived by the churchman, he did not even think of applying to Ninon, whom he imagined to be so much more likely to have spent his money. She sent for him, however, and said—'I have to reproach myself deeply on your account: a great misfortune has happend to me in your absence, for which I have to solicit your pardon.' Gourville thought, at once, that this misfortune related to his deposit; but she continued—'I have lost

sion on her'; and it is from this time, we may say, that Mademoiselle de l' Enclos, estimable, solid and attached, succeeded to the dissipated and inconstant Ninon: and from this time till death, she was only known by the former name."

* "Cela doit vous faire voir," lui dit elle, "quel cas je fais des promesses de jeunes étourdis, comme vous; et combien vous vous compromettriez avec une femme capable de profiter de vos folies."

the inclination I had for you; but I have not lost my memory. Here are the twenty thousand crowns you trusted to my care. Take the casket in which they still are; and let us live, for the future, as friends.'"

"The excellent Ninon," says Mr. Bulwer, "has left us, in her farewell letter to Monsieur Sévigné, a charming description of that French gallantry which existed in her day, and survives in ours. 'It is over, Marquis; I must open my heart to you without reserve; sincerity, you know, was always the predominant quality of my character. Here is a new proof of it. When we swore, by all that lovers hold most sacred, that death alone could disunite us—that our passion should endure for ever—our vows, on my side, at all events, were sincere. Admire the strangeness of this heart, and the multitude of contradictions of which, alas! it is capable. I now write in the same sincerity that breathed in my former oaths, to assure you that the love I felt—I feel no longer. Instead of endeavouring to deceive myself, and to deceive you, I have thought it more worthy of both to speak frankly. When the thing is true, why not say, I love you no more with the same sincerity with which one said, I love you?' Nor was this levity in love the lady's peculiar characteristic. A little history in Madame de Sévigné describes a

scene in which the gentleman acts perfectly à la Ninon. 'The Chevalier de Lorraine called the other day upon the F——: she wished to play La Désespérée. The chevalier, with that beautiful air which you recollect, endeavoured to do away at once with her embarrassment. What is the matter, Mademoiselle? said he; why are you out of spirits? What is there extraordinary in the accident that has happened to us? We loved one another—we love one another no longer. Constancy is not the virtue of our age. We had much better forget the past, and assume the ordinary manners of the world.—What a pretty little dog you have got! And thus,' says Madame de Sévigné, 'ended this belle passion.'

"How many modern anecdotes do I remember of the same description! It was but the other day that a lady called upon a friend whom she found in despair at the fickleness of men. Surprised at this extraordinary display of affliction,—'Be comforted,' said the lady to her friend; 'be comforted, for heaven's sake; after all, these misfortues are soon replaced and forgotten. You remember Monsieur C——; he treated me in the same way; for the first week, I was disconsolate, it is true;—but now—mon Dieu!—I have almost forgotten that he ever existed.'—'Ah! my dear,' said the lady, who was in the wane of her beauty,

and whom these soothing words failed to console, 'there is, alas! this great difference between us—Monsieur C—— was your first lover—Monsieur R—— is my last!' Love, that cordial, heart-in-heart kind of love which our English poets have sometimes so beautifully depicted, is not to be found in France. In every step of a French amour, you are overpowered by words, you are adored, idolized; but in all the graceful positions [Mr. Bulwer has too much of French feeling, to say 'grimaces'] into which gallantry throws itself, as amidst all the phrases it pours forth, there wants that quiet and simple air, that deep, and tender, and touching, and thrilling tone which tell you, beyond denial, that the heart your own yearns to is really and truly yours. The love which you find in France is the love made for society—not for solitude: it is that love which befits the dazzling salon, the satined boudoir; it is that love which mixes with intrigue, with action, with politics, and affairs; it is that love which pleases, and never absorbs; which builds no fairy palace of its own, but which scatters over the trodden paths of life more flowers than a severer people find there."

Of courtezans in England, Colquhoun says that "In point of extent they certainly exceed credibility; but although there are many exceptions, the great mass (whatever their exterior may be)

are mostly composed of women who have been in a state of menial servitude, and of whom not a few, from the love of idleness and dress, with the misfortune of good looks, have, partly from inclination, not seldom from previous seduction and loss of character, resorted to prostitution as a livelihood.

"From the multitudes of these unhappy females that assemble in all parts of the town, it is that the morals of our youth are corrupted.

"These lures for the seduction of youth passing along the streets in the course of their ordinary business, might be prevented by a police applicable to this object, without either infringing upon the feelings of humanity, or insulting distress; and still more is it practicable to remove the noxious irregularities which are occasioned by the indiscreet conduct, and the shocking behaviour of women of the town and their still more blamable paramours, in openly insulting public morals, and rendering the situation of modest women at once irksome and unsafe, either in places of public entertainment, or while passing along the most public streets of the metropolis, particularly in the evening.

"To the disgrace, however, of the police, the evil has been suffered to increase, and the boxes in the theatres often exhibit scenes which are cer-

tainly extremely offensive to modesty, and contrary to that decorum which ought to be maintained, and that protection to which the respectable part of the community are entitled against indecency and indecorum; when their families, often composed of young females, visit places of public resort.

"To familiarize the eyes and ears of the innocent part of the sex to the scenes which are often exhibited in the theatres, is tantamount to carrying them to a school of vice and debauchery."

It is evident that with such reasonable freedom of divorce as I have proposed—in other words, with well-assorted marriages, or the means of ensuring the society of the beings who are dearest to each other in the world, there could exist no motive for such extensive and demoralizing courtezanism.

The facility of prostitution in Africa and in some of the South Sea Islands, is evidently the result of another cause—the mere barbarism of the people, and the despotism of the men.

The negresses are, generally speaking, lively, gentle and amorous; and very universally the husbands make no opposition to their fancy for strangers, though jealous of men of their own colour.

The English missionaries to the South Seas state that, although it was night, two women swam

off to them to be admitted on board, and when they found that the missionaries would not admit them, kept swimming round the vessel for more than half an hour, crying in a suppliant tone of voice, "Waheini, Waheini!" We are women, we are women! At last, they became tired, and swam to shore. Two Indians who were with the missionaries followed them, after having in vain begged of the captain to let them sleep on board: he was fearful of the consequences.

The following morning, visits were paid to the missionaries very early. Seven young girls, remarkable for their beauty, swam from the shore and passed three whole hours in swimming and playing about the vessel, crying out continually, "Waheini." During this time, some of the inhabitants of the island came on board, amongst others, a chief who requested the captain to let his sister, who was one of the swimmers, come in, which was granted. The complexion of this girl was very good, though somewhat yellowish, but it was a healthy colour, with a rosy tinge on the cheeks. She was tall and rather strongly made, but the symmetry of her features and the proportion of all her limbs were such that she would have formed a model for a sculptor. A little Otaheitean girl, who was with the missionaries, and who was very pretty, was completely eclipsed, and seemed to

feel so: but she had the advantage by her mildness, gentleness and particularly by her modesty. Shocked to see a female naked in the midst of men, she made haste to cover her with an Otaheitean garment that became her very well. When the other swimmers saw this dress, they became still more importunate for admission. Their number kept continually increasing, and when the missionaries saw that they were determined not to return to the shore, they took pity upon them and brought them on board. The only clothing these women had was a girdle of leaves: they expected to obtain dresses like the first, but it was not possible to give to all; and even the goats that were thirsting for green leaves, despoiled these poor Indians, as if on purpose.

Upon their arrival at one of the Marquesas, Tenaè, a chief, brought five young and pretty girls on board the English vessel for the Europeans, and seemed surprised and hurt the next morning, when he found that none of them had suited.

He also, to entertain his hosts, invited them to pass two or three days in a valley in the island. Mr. Cook willingly consented, but Mr. Harris, not wishing to make one of the party, Tenaè left him his wife, desiring him to treat her as his own. It was useless to protest against the arrangement: the chief's wife reckoned upon Mr. Harris's gal-

lantry. When she found that he paid her no attention, she denounced him to the other women in the neighbourhood; and while Mr. Harris was asleep, they came in a body to see if there was not some mistake about his sex. He was so alarmed at the free manners of these women when he awoke amongst them, that he resolved to quit a country where such immorality existed.

The French of Bougainville's expedition were similarly treated; the Otaheiteans being eager to supply them with the youngest and prettiest of their wives.

The favours accorded to Europeans, we are informed, were always remunerated by presents, and the coarsest hardware of Europe was as valuable as jewels on these distant shores, and easily gained the favours of the most distinguished beauties. "Even the chiefs could not withstand their temptation . . . The islanders themselves appear to purchase the favours of the women, for the poorest of them are generally unmarried . . . The same custom seems to exist in almost all the islands inhabited by the Malay race. In New Holland, wives sell themselves even to their husbands, and the wife of Ben-nil-long, who visited England in 1795, came to him when he returned, for a pair of European stays and a rose-coloured bonnet."

"If," says Kotzebue, "the modesty which con-

ceals the mysteries of love among civilized nations, be the offspring only of their intellectual culture, it is not surprising that a wholly uninstructed people should be insensible to such a feeling, and, in its unconsciousness, should even have established public solemnities which would strike us as excessively indelicate." In fact, they think it as unnecessary to conceal their pleasures as their persons.

"The women, however, who distributed their favours indiscriminately, were almost always of the lowest class.

"Among the higher classes, a most licentious association called Ehrioi, including both sexes, existed. [This consisted of about a hundred males and a hundred females, who formed one promiscuous marriage.] Renouncing the hopes of progeny, its members rambled about the island, leading the most dissolute lives; and if a child was born among them, the laws of the society compelled its murder, or the expulsion of the mother. The men were all warriors, and stood in high estimation among the people. The Ehrioi themselves were proud of the title, and even the King O Tu belonged to this profligate institution." It is of this that Darwin says:—

"Thus, where pleased Venus, in the southern main,
Sheds all her smiles on Otaheite's plain,
Wide o'er the isle her silken net she draws,
And the loves laugh at all but Nature's laws."

We here see the result of individual despotism, as, in the indissoluble marriages of Europe, we see that of the despotism of society and their governments.

Man thinks that his wife belongs to him like his domesticated animals; and he keeps her therefore in slavery. There are few, however, who wear their shackles without feeling their weight, and not a few who resent it.—"When you talk as masters," says Madame Roland, "you teach us to think of resistance, and perhaps even of more, however strong you may be. Achilles was not invulnerable in every point."*

Thus it is despotism generally, and that species of it which leads to late and indissoluble marriages in particular, which causes courtezanism.

The writer, therefore, is egregiously wrong who omits all consideration of this cause, who looks at prevalent courtezanism merely as an ultimate fact, and who treats it as a natural and necessary law. This writer, in the Monthly Magazine for August, 1810, states that "about nine-tenths of all the adult males between the age of eighteen and twenty-five practise promiscuous love, and this in all countries, whatever the climate or the religion;"

* Quand vous parlez en maître, vous faites penser aussitôt qu' on peut vous résister, et faire plus peutâtre, tel fort que vous soyer. L'invulnérable Achille ne l'était pas partout.

and he concludes that "if, from the average conduct of the species, may most securely be inferred the law of nature and of God, that is the moral duty."—This only proves that early marriages, though prevented by an artificial and bad state of society, are natural and wise.

That promiscuous love and courtezanism are unwise and destructive is very certain. Dr. Priestly, however, uses a faulty argument on the subject. He says, "as no man ever began the practice of illicit love with thinking it to be no crime, so neither can he continue it without some sense of shame, at least with respect to the more decent and worthy persons of his acquaintance, whose character he most reveres. Now, a man who has something to conceal, has always something to fear, and a detection would make him ashamed and confused; and the state of mind which these suspicions and contrivances necessarily superinduce is debasing, and inconsistent with a perfect enjoyment of life."—There can be no doubt that the shame and concealment in this case are, in some measure, the result of the natural modesty which attends all sexual affairs, and in some measure the result of mere conventional or arbitrary rules.

It is doubtless an evil, from whatever cause it spring, that men form illicit connexions, who yet

would not on any account have the circumstance transpire in the world: they are perpetually subject to the operation of accidents which may expose them; and even the woman herself may be the means of the exposure.

It is another evil of courtezanism that, as young men seldom have the opportunity of illicit commerce with any but poor women or those of the town, temptation to expense is thus held out, and has often driven thoughtless youths to acts of dishonesty, which have brought them to shame or to ruin.

An evil of courtezanism which is perhaps generally productive of more lasting injury is this, that it begets disinclination towards any honourable female connexion. "No man," says Priestly, "who has not been married, can have a just idea of the proper satisfaction of the conjugal state, because it depends upon feelings and habits of mind acquired after entering into that state, and in consequence of it: so neither can the man who has indulged himself with a variety of women before or after marriage, have any idea of the unalloyed satisfaction with which that man views his wife and children, who is conscious that he has lived to them only . . . Every act of indulgence before marriage is a deduction from this most valuable stock of happiness."

It is at least a more obvious evil of courtezanism, that, when frequent, it soon injures the digestive powers, and impairs the constitution in such a degree, that its victims are absolutely afraid of entering into the marriage-state.

Fonseca remarks, that "if a body weakened by such excesses be attacked by an acute distemper, there is no remedy."

Of a young man who had been under the care of Dr. Tissot, that physician writes thus: "At the end of a month his cure was complete, except in this, that he had not, nor perhaps ever will have, the strength it is probable he would have had, but for his misconduct. The check which the machine receives in its growing season has consequences which are irreparable." And again, "The reproductive organs are always those that recover their vigour the slowest. Often, too, they never regain it, even though the rest of the body appear to have recovered its natural strength."

Peculiar diseases, moreover, are the effects of prostitution,—diseases the most loathsome, which taint every fibre of the body, and embitter the remainder of life,—diseases, too, which one single act of imprudence may originate, and from which no rank nor station affords an exemption. This last circumstance is sufficiently exemplified in the case of the Duchess of Portsmouth, the first article

of accusation against whom was, "That the said duchess hath, and still doth cohabit and keep company with the king, having had foul, nauseous and contagious distempers, which once possessing her blood, can never admit of a perfect cure, to the manifest danger and hazard of the king's person, in whose preservation is bound up the weal and happiness of the Protestant religion, our lives, liberties and properties, and those of our posterity for ever!"

Perhaps the greatest crime in courtezanism is the injury it leads men to inflict upon women. Some young men, without imagining that they are doing any real harm, thus engage in a practice which may quickly render them criminals of the worst description, preying upon unsuspecting females and robbing them of that innocence, that respectability, and those prospects in life, for the loss of which they never can afford them any recompense! Indeed, "when we consider the artifice, fraud and perjury resorted to in these cases, the ruin of the unfortunate female, and the poignant wound thereby inflicted upon parents, it may be doubted whether this is not the most vile and heinous crime that an individual can be guilty of."

Prostitution, then, is the legitimate offspring of indissoluble marriage; and yet severely does man punish it in his slave.—"Those unfortunate

females," says Mrs. Wolstonecraft, "are broken off from society, and by one error torn from all those affections and relationships that improve the heart and mind. It does not frequently deserve the name of error; for many innocent girls become the dupes of a sincere, affectionate heart, and still more are, as it may emphatically be termed, ruined before they know the difference between virtue and vice; and, thus prepared by their education for infamy, they become infamous. Asylums and Magdalens are not the proper remedies for these abuses. It is justice, not charity, that is wanting in the world.

"A woman who has lost her honour, imagines that she cannot fall lower; and as for recovering her former station, it is impossible: no exertion can wash this stain away. Losing thus every spur, and having no other means of support, prostitution becomes her only refuge, and the character is quickly depraved by circumstances over which the poor wretch has little power, unless she possess an uncommon portion of sense and loftiness of spirit."

"Women," says Shelley, "for having followed the dictates of a natural appetite, are driven with fury from the comforts and sympathies of society. It is less venial than murder; and the punishment which is inflicted on her who destroys her child to

escape reproach, is lighter than the life of agony and disease to which the prostitute is irrecoverably doomed. Has a woman obeyed the impulse of nature,—society declares war against her, pitiless and eternal war: she must be the tame slave, she must make no reprisals; theirs is the right of persecution, hers the duty of endurance. She lives a life of infamy: the loud and bitter laugh of scorn scares her from all return. She dies of long and lingering disease: yet she is in fault, she is the criminal, she the froward and untameable child,—and society forsooth, the pure and virtuous matron, who casts her as an abortion from her undefiled bosom! Society avenges herself on the criminals of her own creation; she is employed in anathematizing the vice to-day, which yesterday she was the most zealous to teach. Thus is formed one-tenth of the population of London: meanwhile the evil is two-fold. Young men, excluded from the society of modest and accomplished women, associate with these vicious and miserable beings, destroying thereby all those exquisite and delicate sensibilities whose existence cold-hearted worldings have denied; annihilating all genuine passion, and debasing that to a selfish feeling which is the excess of generosity and devotedness. Thus body and mind alike crumble into a hideous wreck of humanity; idiotcy and

disease become perpetuated in their miserable offspring; and distant generations suffer for the bigoted morality of their forefathers."

The share which parents have in punishing their child, has never been considered.

In my work on Intermarriage, I have shown that organization is nearly indestructible—that it passes, with little or no alteration, from parents to progeny; and that function is equally unchanged in descending. The conduct of progeny, accordingly, will always be found to resemble that of parents at the same period of life.

Let any intelligent and candid father and mother, at the time they are contemplating the punishment of a child, look back to their own conduct, at the same period and under similar circumstances; and they will be astonished to trace a resemblance so minute and circumstantial. They may hesitate to acknowledge this; but that only proves their dispositions to be much worse than they imagine; and the consequence of this want of honourable candour will be displayed in injustice to the child.

Strongly impressed with this identity of organization and conduct in parents and progeny, a friend of mine very philosophically terms his children his "future states." Can anything, then, be more ignorant and savage than parents punishing

the errors they have not only themselves committed, but have bequeathed to their children; for, giving their organization, their actions were inevitable—similar causes have similar effects.

No doubt the conduct of children will be modified as may be the organization; but this produces little change in their essential character; nor will this surprise us when we consider how strictly certain faculties are connected with the anterior series of organs, and other faculties with the posterior series. Difference of sex will cause greater modifications; but the limits of these are easily traced by any one who observes what faculties are increased, and what diminished, in woman, as pointed out in Part I.

Even, however, if the conduct of children were more extensively modified than I have yet observed it to be,by the combination of the posterior series of organs with the anterior ones, the sole responsibility for that conduct would rest with the parents. Their progeny, in that respect, are implicitly dependent on the mutual choice which they are pleased to make. Nowhere, therefore, can blame rest but with themselves.

I say nothing of education, though that too would rest entirely with the parents; because education in any one individual has little power to change the passions.—Nothing, therefore, I re-

peat, can be more ignorant and savage than parents punishing the errors they have not only themselves committed, but have bequeathed to their children.

Next to parents, in the infliction of so much misery, are the female sex—as they themselves declare.

"There is a trite and foolish observation," says Mrs. Macauley, "that the first fault against chastity in women has a radical power to deprave the character. But surely no such frail beings come out of the hands of nature. The human mind is built of nobler materials than to be so easily corrupted; and with all their disadvantages of situation and education, women seldom become entirely abandoned till they are thrown into a state of desperation by the *venomous rancour* of their *own sex*."

To this, I need only add Mrs. Wolstonecraft's observation that, "That woman has little claim to respect on the score of modesty, though her reputation may be white as the driven snow, who smiles on the libertine, while she spurns the victims of his lawless appetites."

APPENDICES.

APPENDIX.

No. I.

From the work of Horatio Plata,—CHE LE DONNE NON SIANO DELLA SPETIE DEGLI HUOMINI.—In Lione, per Gasparo Ventura. clo. loc. XLVII.*

LA scrittura dichiara colui esser maladetto, che aggionge qualche cosa alle parole di Dio: dunque tutti coloro saranno maladetti, che aggiongono, e credono le donne essere della spetie degli huomini. Perche, nel nuouo, ò nel vecchio testamento, non si ritroua giamai, la donna esser della spetie degli huomini. E certo, se ciò fosse vero, in alcun luogo si sarebbe espresso lo Spirito Santo. Ma non essendo stata giamai chiamata la Donna della spetie degli huomini, chi ardisce d'affermarlo ne sà più dello stesso Dio.

Riguardiamo, in gratia, e esaminiamo i luoghi, che sogliono portare in campo i Procuratori delle Donne, nell affermare, che siano della spetie degli huomini.

Primieramente, dalle parole diuine—*Faciamus ei adiutorium, simile sibi,* Faciamoli vn aiuto simile à se; così argomentano: Eua è stata fatta simile ad Adamo, dunque Eua è vn huomo simile ad' Adamo. Bellissimo argomento, certo, ma affatto falso. Perche non disse

* I have preserved the orthography of the time at which this very curious work appeared.—A. W.

Dio, Facciamo ad Adamo vn Huomo simile à lui; onde ne seguiti la conclusione, Eua esser fatta huomo come Adamo; ma disse Dio, Facciamo all' Huomo vn aiuto, non simigliante all' huomo, come intendono quei goffi, ma simile à se stesso; cio è, d' vna spetie differente dagli huomini, e dagli altri animali.

Il che per intendersi meglio, è di necessità ponderare più esatamente le parole di Dio. *Non est bonum*, dice egli, *hominem esse solum, faciamus ei adiutorium simile sibi;* Non è buono, che l' huomo sij solo, faciamogli vn aiuto simile à se stesso. Quì non dice altro, se non che Non è bene, che vn sol huomo stij nel Mondo, e che bisogna dargli vn' aiuto col quale possa generare degl' altri huomini. Dunque se questo primo aiuto d' Adamo di generare (per non esser solo) erano altri huomini, Eua non può dirsi huomo, perche non fù fatta accioche Adamo non fosse solo, ma perche, col suo mezo, Adamo generasse degli altri huomini, che lo cauassero di solitudine. Lo stesso confessa Eua. Appena generò Caino, che gridò, Hò partorito vn huomo secondo la volontà di Dio. Dittemi in gratia qual' era questa volonta di Dio? Null' altra certo, se non che generasse vn huomo, accioche Adamo non fosse solo . . . Ecco come perfettamente concorda la scrittura, e come conuenientemente testimonia la madre di tuti i viuenti, Eua, questa volontà di Dio restar adempita, non quando era con Adamo in vna carne, cio è vn sol huomo; perche egli sin all' hora è solo perche è vno; ma all' hora che' l mondo vidde i figliuoli nati ad amplificare il genere humano.

Preuedo, che darà campo àgli auuersari quella particola *Similem sibi*, simile à se; ma è facile la solutione. Perche si come ad illustrare qualche ferro, non si prenderà in mano della gramegna, ma si seruirà d' vn' aiuto simile alla cosa, che hà da essere illustrata; cio è d' vn

instrumento, che habbi conuenienza con la cosa, che hà da essere lustrata . . . Così Dio, per la generatione degl' huomini, non volle fabricare ad Adamo animal quadrupe, ò vero qualche altro dissimile, onde commodamente non ne fosse potuto nascer l' huomo, ma vn' adiutorio e vn instrumento simile à lui; cio è, idoneo come la donna . . . Il vero però senso di questo passo *Simile sibi*, come testimoniano li 5 acutissimi Rabini, non viene interpretato all' equalità della persona d' Adamo, ma alla conuenientia del' opera futura.

Ma se hauesse voluto, che la donna fosse della spetie degli huomini, non hauerebbe detto in singulare, *Faciamus hominem*, Faciamo vn huomo, ma faciamo degli huomini. Perche dunque hà parlato così, si caua dalle parole di Dio con fermissimo argomento, che Dio non habbia voluto, che la donna sia della spetie degli huo mini, e che formò solamente vn huomo, e non due.

Si trascorri tutta la Bibia, e si vegga in gratia se, in luogo alcuno, si ritroui scritto la donna esser formata ad imagine di Dio. San Paulo disse espressamente, L' huomo è imagine, e gloria di Dio, e la Donna gloria dell' huomo. Vedendo l' Apostolo, che la Donna deturpaua in qualche parte l' Imagine di Dio, e per questo affermò non esser fatta à sua Imagine. Guardiamo dunque di non offender Dio, e non crediamo della spetie degli huomini quella cosa, ch' egli non volse honorare con la sua somiglianza: tanto più che gli stessi Papisti, ne loro Canoni, confermano la Donna non esser creata ad Imagine di Dio.

Se la Donna fosse stata simile ad Adamo, cio è della spetie dell' huomo, ne seguirebbe, che nel Paradiso due huomini hauerebbero peccato; perche Eua peccò vguamente come Adamo. Ma l' Apostolo dice che, per vu sol huomo è entrato il peccato, non per due: dunque si caua,

che solamente vno di questi due fosse huomo, cio è Adamo, e non Eua. Tanto più, che se due huomini hauessero peccato, sarebbero etiandio stati necessarij due Cristi, l'vno de quali huomo patisse per gli huomini, e l' altro Cristo femina, per le femine. Ma venne solamente vn Cristo, e certo huomo, e sodisfece abbondantemente per noi: dunque gli huomini solamente sono huomini, e non le donne.

Rispondono gli Auuersari, che, per vn huomo, l'Apostolo intendesse Eua, come quella, che haueua prima peccato. Dunque se il peccato era d'Eua, non peccò Adamo; e se peccarono tutti due, mentisce l'Apostolo Paulo dicendo, che per vn sol huomo era entrato il peccato nel mondo. Altri dicono, l'Apostolo ascriue il peccato ad Adamo, per esser egli il superiore, e più degno d'Eua: dunque ella non è simile ad Adamo. Disse Dio ad Adamo, *Tu dominaberis omnibus bestijs*, Tu dominerai à tutte le bestie; e in questo forse consiste la sua maggioranza, e la sua superiorità. Ma l'huomo dominando etiandio la Donna, chi sarà così pazzo, che non creda la Donna più tosto bestia che huomo?

Dice Cristo, in Timot. 2, che saranno molti falsi Profetti, che se fosse possibile farebbero cadere gli stessi eletti. Dicendo dunque, se fosse possibile, appare manifestamente, che gli eletti non possono essere sedotti. Già si sà apertamente, che l'huomo creato da Dio, fù vn vaso eletto alla vita eterna. Ma Eua non fù vaso eletto, e per consequenza nè huomo ad imagine di Dio, perche è stata sedotta. Quest' argomento è firmissimo, ne patisce alcuna oppositione. E per serrare la bocca à qualcheduno, che dicesse, per questa ragione nè anche Adamo esser' huomo, mentre peccò; ascolti l'Apostolo, che dice, non Adamo, ma Eua è stata sedotta.

La Cananea, venendo a' piedi di Cristo, lo supplicò

per la liberatione della figlia dalla vessatione del Demonio, Cristo non le rispose nè pure vna parole . . . Dunque, con questo silentio, altro non volle significare, ch' egli punto non apparteneua alle femine, nè le femine à lui. Vediamo meglio. Intercedeuano i Discepoli per la Cananea, e che risposta ne riportarono: *Non sum missus per illam*, non sono mandato per lei, ma per le pecorelle smarrite della Casa d' Isdrael. Intendete voi, ò Donne, Cristo non essere mandato per voi? Intendete, ò huomini, che le vostre mogli non possono aspirare al Regno del Cielo! Rispondono alcuni, hauer Cristo parlato bruscamente con la Cananea, perche era Gentile. Risposta degna di riso! Non amò forse Dio tutto il Mondo, e non mandò l' vnigenito suo figliuolo tanto per i Gentili, quanto per gli Isdraeliti? Arrosiscano di queste innettie; e mi rispondano finalmente: Perche Cristo non disso così ad alcun huomo gentile, come à questa debile feminuccia; e pure innumerabili huomini gentili ricorsero à lui, chiedendo aiuto a' loro bisogni; e pure non furono punto ripresi, ma benignamente trattati.

Qui non finisse la presente scrittura. Ascoltate l' auuantaggio, e stupite. Appena dissero i Discepoli, *Dimitte eam Domine*, Licentiatela, ò Signore; che rispose Cristo: Non è honesto prèndere il pane degli huomini, e darlo a' Cani. O! ammirabile diligenza di Giesù Cristo, figlio di Dio, nell' esplicare le cose. Hauete inteso, ò Donne infelici, come il Nostro Saluatore vi chiama? Non huomini, ma bestie, non figliuoli, ma Cani? Hauete inteso, non essere honesto, che prendiate il pane degli huomini, cio è Cristo pane di vita, che discese del Cielo solamente per gli huomini, e non per voi, che siete alla somiglianza di imondissime bestie. Perche dunque af-

faticate tanto per la vostra salute? Perche pretendete di oltre passare la volontà di Dio? Formateui vi prego nello stato, che vi pose la natura, se desiderate più fauoreuole in questo Mondo Dio e la Fortuna.

Se la Donna fosse della spetie degli huomini, certo Cristo hauerebbe detto male dicendo, non esser conueneuole l' aiutarla, nè honesto che prendessero il pane degli huomini, e chiamandole Cani. Ma non poteua Dio parlar meglio. Humiliateui dunque, ò Donne, con la Cananea, e gridate con lei, Vero è, ò Signore, siamo Cani, ma etiandio a' Cani è permesso raccogliere le miche, che cadono dalla tauola del Padrone. Chiedete le miche, che à caso cadono dalla mensa, e non pretendete il pane, che ordinariamente è da Dio riserbato per gli huomini. Imitate l' essempio di Maria Madalena agitata dal Demonio, che conoscendosi per Cane, andò alla loro somiglianza, ad accarezzare i piedi di Cristo, e chiedendo aiuto lo conseguì.

Gridano, e strepitano gli Auuersari, e si vantano d' hauere vn argomento inuincibile à fauore delle Donne; aggiongendo Cristo, La tua Fede ti hà fatta salua. Osserua, ò Lettore. come gli huomini sono necessitati ad essere buggiardi, quando manca loro la ragione. Giamai hà detto Christo alla Cananea, La fede sua ti hà fatto salua, ma *Fiat tibi sicut vis*, Sia fatto come tu vuoi; ò vero come vn altro Euangelista, *Propter istum sermonem vade*, Per queste parole partiti. Ditemi in gratia, che cosa significa questa risposta? Niente altro certo, se non che conforme il detto della Cananea, che è à somiglianza d' vn Cane, e che i Cani mangiano delle miche. Se dunque le nostre Donne vogliono liberarsi da' Demonij, cio è dalle miserie, e dalla calamità del secolo, non siino superbe, come sono hoggidì, ma con-

fessandosi Cani, vdiranno anche esse; *Fiat sibi sicut vis*; cio è, hauerete nel mondo ogni consolatione, che più bramate.

Ma per auuentura sono leggieri queste considerationi. Concedasi dunque alla Cananea quello, che fù detto alla Donna, che patiua flusso di sangue: La fede tua ti rende salua; che cosa se ne caua per questo? Forse, che le Donne siano della spetie degli huomini? forse, che conseguiscano la salute dell' anima? Signor nò. Perche queste parole altro non significano, che la salute del corpo; il che si vede chiaramente tutte le Donne, alle quali Cristo hà dette queste parole, ricercano solamente la salute del corpo, non quella dell' anima; Maria Madalena per esser liberata da Demoni, e l'altra per conseguir la salute del fluso del sangue. Nè sarebbe stato conueneuole à Cristo, il dare alle Donne quello, che non chiedeuano; tanto più, ch' esse giamai sarebbero ricorse per la salute dell' anima à Cristo, se la necessità di sanare il corpo non le hauesse constrette. E. S. Luca non scriue, *Saluauit*, si saluò; ma la tua fede ti dona la salute. Aggiunse S. Matteo, E fù fatta salua da quel tempo. Certo, da quel tempo, non haueua salute dell' anima, hauendola per questo Dio predestinata à noi da principio, per darle nell' altra vita; dunque vuol dire, che godè dopo ottima salute.

Chi sanno di mente e d' intelletto, insegnò giamai nelle femine ritrouarsi vera fede? Anzi in contrario grida l'Apostolo, e toglie loro ogni fede scriuendo, La Donna si salua non per fede, ma per generatione.

Sapeuano le Donne e credeuano, Cristo essere il vero e promesso Messia, e che teneua potere di sanare di tutte l'infermità; ma sapeuano ancora, che non era venuto nel mondo per loro. Che però quando Cristo alle volte parlaua con le Donne, scriue l'Euangelista, che

rimaneuano stupiti gli Apostoli; il che non è certo senza misterio . . . Cristo dunque se bene faceua loro poca accoglienza, come si vide nella Cananea, e in quella, che patiua il flusso di sangue, che da loro non voleua essere toccato; pure vedendo così grande la loro fede, cio è che credeuano fermamente egli essere quel figliuolo di Dio promesso ad Adamo, et alla sua posterità, più che molti huomini, à contemplatione de' quali solamente era venuto al mondo, si compiaque d'estraordinariamente soccorrerle della sua gratia; forse in obbrobrio dell' incrudelità degli huomini. Di quì hebbe occasione di dire, Non hò ritrouata tanta fede in Isdrael, cio è, tra gli huomini, quanto in vna Donna, con la quale io non hò punto, che fare.

Confesso hauer detto con l'Apostolo, le Donne saluarsi per la generatione; ma che da questo detto si caui, che sijno della spetie degli huomini, e che conseguiscono salute nell' anime, è mera vanità. Tutte le Sette etiandio a' tempi di Lutero, insegnò l'huomo guistificarsi con la sola fede. Se questo è vero, come può la Donna essere della spetie degli huomini, gia che, non per la fede, ma per la generatione, si salua. Io interpreto questa parola *Saluatur*, si salua, come hò detto di sopra, per star bene in questo mondo. In che non mi portano dubbie congetture, ma firmissimi argomenti. Perche si come la Donna infeconda e sterile, per non generare, viene dannata, cio è sprezzata, e quasi infame, il che si vede nell' antica legge, che la donna sterile veniua creduta odiosa agli occhi di Dio, onde si troua scritto, Maladetta la Donna sterile, la quale non hà seme in Isdrael; così all' incontro, quella ch' è feconda, e che partorisce figliuoli, si salua nel mondo, cio è, dagli improperi degli huomini, e dalle maledittioni di Dio. Tanto più, che nel medesimo luogo, s'aggiunge, Benedetta quella femina,

il cui seme è fecondo, perche questa adempie l'vfficio d'adiutorio, come quella prima, cio è Eua.

Veramente è pazzia il credere, che la parola *Saluari*, si salui, in questo luogo, intendi la salute dell' anima. Perche, se si saluano le Donne per la generatione, indarno Cristo è morto per loro, e indarno credono. E poi le Vergini, le Vedoue, e le Caste, che mai partorirono, sarebbero dannate, e le Meretrici, che hauessero figliuoli, si saluarebbero. E pure à queste disse Cristo, Gua à voi ò pregnanti, ò lattanti in quelli giorni. Se dunque vengono minacciate perche si saluano per questa generatione? Riceuerebbono le femine eggregia mercede della loro sceleratezza; perche il peccato operarebbe la loro salute.

Mi rimane hora da sciogliere vn argomento inespugnabile secondo la loro opinione; e è questo. Alle Donne sono perdonati i peccati; dunque sono della spetie degli huomini. Prouano, che alle Donne vengano rimesse le colpe, con l' essempio della Madalena peccatrice agitata da sette Demoni, alla quale Cristo disse, Ti siano scancellati i tuoi peccati . . . Potrei anche dire rimettersi i peccati, non solo à gli huomini, ma anche alle donne; se bene sono d' altra spetie; mentre si perdonano i falli a' Cani, e a' Caualli, et alle Simie in particolare; quando trasgrediscono i comandi del padrone; e crederei con questo d' hauer risposto à bastanza.

Credo senza dubbio, che'l precetto di Dio, Non mangiar di quest' Arbore, non obligasse punto la Donna, ma l' huomo solamente. Perche alla creatione della Donna precesse la prohibitione, nè dopo le fù repetito, e perciò dopo il peccato non fu chiamata da Dio; ma solamente Adamo, dicendogli, Adamo doue sei! e à lui solo disse, Perche mangiasti dell' Arbore, che io t'haueua prohibito; il che non disse allaDonna. Tutti ancora noi habbiamo

peccato nel peccato d' Adamo, non in quello d' Eua; e' l peccato originale l' habbiamo contratto dal Padre, non dalla Madre . . . Se dunque la Donna non peccò al principio del mondo, nè anche può peccare al presente; perche nè anche gli huomini peccarebbero, se non hauessimo contratto da Adamo il peccato originale.

Da queste premesse s' intende chiaramente, tutti i peccati delle femine non essere punto dissimili da' peccati delle bestie . . . E à questo fine disse l' Apostolo, Per vn sol huomo fù introdotto il peccato, intendendo solamente Adamo. Eua all' incontro non peccò, e perciò non le bisognò mediatore, ma più tosto dal suo seme, non punt oinfetto dal peccato, ne douè nascesse vn huomo per mediatore, che fosse senza peccato, come lei. E veramente non si legge in alcuni scrittori, che parli della dannatione di qualsi voglia femina, il che è segno manifesto non essere causa alcuna di dannatione, cio è non v'essere peccato.

Perche dunque (dicono costoro) Eua fù punita da Dio? . . . Anzi niego, che Eua fosse punita. Perche come può essere castigo il partorire i figliuoli con dolore, se obbligò Eua à partorire prima, che vedesse l' arbore nel Paradiso? Nè si dee intender pena il partorire con dolore, già che tutti gli animali irragioneuoli partoriscono con dolore, e pure non peccarono.

E se vorremmo osseruar bene le scriture, ritroueremo quasi sempre essere state benedette le Donne, che operarono male, e che per questo meritarono lode e riputatione. Si loda Rachel, per hauer ingannato il Padre, che cercaua gl' Idoli, con vna bellissima inuentione. Si loda Rebecca, perche con la frode fece, che Jacob rubbasse la benedittione al Padre. Raab meretrice tradì coloro, che cercauano le spie di Iosuè, e acquistò titolo di giusta. Vscì Iael ad incontrar Sisara, dicen-

dogli, Venite da me, ò Signore, e chiedendole egli dell' acqua, glie diede del latte, e lo nascose nel letto. Sopreso poi da Sonno, Iael gli ficcò vn chiodo nel capo, e vccise empia colui, che s' era raccomandato alla sua fede. E per così gran tradimento, dice la Scrittura, Benedetta Iael tra le Donne; e sarà benedetta nel suo Tabernacolo. Che dirò di Iudit? Alletò Oloferne con mille blanditie, e dopò empiamente gli leuò la testa dal busto, e pure questa viene benedetta, lodata e inalzata dalla Scrittura; e di gran lunga viene creduta maggiore la maluagità della Donna, che la bontà dell' huomo.

Sono escusate le figliuole di Lot dall' incesto col Padre, e non s' escusa il Padre vbbriaco, e la sua successione viene scacciata dalla Chiesa di Dio. S'escusa l'incestuosa Thamar, e si decanta più giusta del Patriarca Iuda, e, con vn inganneuole incesto, si rende degna di propagare la linea del Saluatore. Così Cristo assoluè la Donna presa in Adulterio, e non permesse la sua punitione. E le leggi Imperiali comandano, che le Donne colte in Adulterio non siano con la morte punite, anzi nè anche per delitti carcerati. Che cosa dunque sono queste cose, se non aperti giuditij, che i peccati delle Donne non sono peccati? . . . Nè la Madalena supplicaua per la remissione de' peceati, ma per esser liberata da' Demoni. La doue essendole rimessi i peccati, non con questo fine, che consequisca la vita eterna, ma accioche si partano i Diauoli, chi non vede, che hà diverso fine la remissione de' peccati negli huomini, che nelle Donne. Aggiungete, che Cristo insegnò solamente à gli Apostoli, ch' erano huomini, l' oratione, del *Pater noster*; dunque solamente gli huomini tengono obligatione di dire *Demitte nobis peccata nostra*, cancellate, ò Signore, i nostri peccati, non quelli delle femine.

Si legge in San Luca, che à Cristo furono portati

alcuni bambini. Essendo i bambini in fasce di genere commune, perche abbracciano tanto i maschi, quanto le femine, è credibile, che fossero portati á Cristo, non solo de' maschi, ma etiandio delle femine. Cristo nulladimeno disse Lasciate che i fanciulli vengano à me, perche questi sono padroni del Regno de' cieli, cio è i maschi, e non le femine. Che però gli Apostoli prohibirono alle madri il portare alla presenza di Cristo i bambini in fasce, perche, tra quelli, v'erano le femine, che nulla apparteneuano à Cristo.

Ricercauano da Cristo i Seducei, nella Resurrettione di chi douesse essere quella Donna, che haueua sette mariti. Risposse loro Christo, Fallate, perche sete ignoranti delle Scritture. Perche dunque fallanno ? perche pazzamente credeuano la resurrettione delle Donne; ignorando le scritture, mentre in esse non si parla punto della loro eterna salute. Dice di più Cristo, Nella Resurrettione non contraheranno matrimonio. Perche in gratia ? perche nessuna Donna sarà in Cielo, ma saranno, come Angeli di Dio. Quali hora sono gli Angeli ? certo tutti maschi, non femine. Gli huomini dunque solamente appartengono al Cielo, e non le femine.

Cristo disse alla propria Madre, Donna, che cosa hò io à fare teco ! Se dunque non appartiene punto alla Madre che lo generò, molto meno all' altre femine. Ma vedo, che mi oppongono Cristo esser chiamato figliuolo dell' huomo, ed essendo figliuolo certo di Maria, ne seguita Maria essere stata vn' huomo. Ma concediamo l'argomento, e diciamo Maria essere stata huomo, ma non per natura, ma per gratia. . . Perciò anche l'Angelo disse, Dio ti salui Maria, piena di gratia, benedetta tra le Donne. Perche benedetta ? perche fù huomo, e l'altre nò. Di poi Maria può guistamente chiamarsi huomo,

perche partorì senza huomo, e essa quasi adempì alle funtioni dell' huomo.

Mentre vna Donna gridaua di Cristo, Benedetto il ventre, che ti portò, e le poppe, che succhiasti, riprese Cristo dicendo, Anzi Beati coloro, che ascoltano la parola di Dio, e la custodiscono. Si vede dunque, che Cristo non volle ascriuere alle Donne la beatitudine. E se la Madre di Cristo non è beata, che le portò, come l'altre potranno saluarsi?

Si copre quello, ch' è sordido, essendo dunque obligate le Donne coprirsi il capo da' precetti diuini, è di necessità credere, che siano cose sporche, e sordide, alla presenza di Dio, e che non si saluino. Perche niente di macchiato, e di sporco entrerà nel Regno de' Cieli; tanto più ch' etiandio viue le femine, si chiamano morte, quando troppo si perdono ne' piaceri.

Ma gli Auuersari ricorrono à quelle parole, Non è Giudeo, nè Greco; non è seruo nè libero, non è maschio nè femina, perche voi sete il medesimo in Cristo. E di quì pazzamente intendono di prouare le Donne essere huomini. Se dunque, con questo detto, si proual a Donna esser' huomo, si proua etiandio il Giudeo e' l Greco esser huomini, perche di tutti si parla. Ma qual maggior pazzia, e più degna di riso sarebbe quella dell' Apostolo il voler prouar' in questo luogo il Giudeo è l Greco essere huomini; il che è per se stesso palese, e non hà bisogno di proua. Se dunque l' Apostolo non insegna questo, molto meno proverà le Donne essere huomini.

E in verità, che non veggo come possano le Donne essere il medesimo con Cristo, mentre Cristo stesso, e gli Apostoli hanno comandato à quelle, che vogliono essere perfetti, e entrare nella vita eterna; ad abbandonare la moglie, e perciò laudano gli Eunuchi, che si castrarono per il Regno de' Cieli, e che non toccarono punto le fe-

mine. Cristo etiandio non prese moglie, e gli Apostoli l' abbandonarono, e persuasero à fare lo stesso; aggiungendo, che quegli finalmente piacceua à Cristo, che non s' obligaua al matrimonio. Di più per rimouere gli huomini, attestarono esser bene non toccare, e non impacciarsi punto con le femine.

Dittemi in gratia qual Madre s' è giamai rallegrata della nascita d' vna figliuola? niuna certo . . . Ciò non è marauiglia, perche se la Donna, per testimonio d' Aristotile, è vn mostro in natura, ò, come vuol Platone, vn' animale più tosto bruto, che ragioneuole, qual madre potrà rallegrarsi del parto d'vna femina? tanto più insegnando la scrittura saluarsi la Donna per la generatione de' maschi, non delle femine . . . Osseruate finalmente tutti i luoghi della Sacra Scrittura, doue si ritroua il vocabolo buono, che sono quasi innumerabili, e ritroua-rete sempre, che intende solamente i maschi. E se questo luogo può dichiararsi diuersamente, io m' auguro la maledittione delle Donne.

Dicon' essi Cristo in S. Luca risuscitò vna fanciulla, dunque le Donne resusciteranno. Non considerano questi ingegni acuti, che iui disse Cristo non è morta la fanciulla, ma dorme! Che altro significano queste parole, se non, che se fosse stata morta la fanciulla, egli non l' hauerebbe risuscitata . . . Che però Cristo stesso comandò all' hora, che tutti tacessero il fatto; accioche per auuentura le Donne, con questo esempio, non credessero d' hauer parte anc' esse nella resurrettione. All' incontro, hauendo risuscitato il fanciullo non passò à simile prohibitione; anzi scriue l'Apostolo, che corse la fama per tutta la Giudea, e per tutte le regioni circonuicine. Di più: essendo venuto il Seruo à dar l'auuiso della fanciulla morta à Iairo, aggionge l'Euangelista, Non trauagliare il Maestro. Il che disse, perche sapeua

indarno implorarsi alle fanciulle, e alle femine morte l'aiuto di Cristo, mentre non hanno anima, nè sono per resuscitare nel giorno del guiditio. Si legge del Beato Germano Vescovo, che con vn' insigne miracolo restituì la vita ad vn Asino, ch' era morto. Ma chi potrà, se non è Asino, argomentare da questo, che gli Asini sijno per risuscitare? Così à punto valerà l'argomento di questa fanciulla.

Sò certo, che nelle Scritture, si ritrouano gli esempi delle Donne battezate; ma battizando i Papisti le Chiese, le Campane, e le Barche, queste per auuentura sono huomini, ò delle spetie degli huomini? Dirò bene esser affato contrario al precetto di Cristo, che Donne venghino battezate. Perche Cristo disse, *Qui crediderit et baptizatus fuerit, saluus erit*, Colui, che crederà e sara battezato sarà saluato. Ma non disse, *Quæ crediterit*, quella, che crederà. Nè articolo *Qui* è genere commune, che possi abbracciare il genere feminino.

A che s'aggiunge vna cosa palese, che' l Battesimo è suceduto in luogo dell circuncisione. In che maniera dunque possono essere battizate le Donne, non essendo state circoncise. Tanto più, che Cristo ordinò battezarsi in nome del Padre, del figliuolo, e dello Spirito Santo, nella qual forma non si legge alcuna Donna battizata: Dunque alle femine essere illegitimo il Battesimo. Ladoue (soggiongo anco questo) si come per indulgenza permesse S. Paulo a' Cristiani la circoncisione, che Cristo non comandò; così nel principio per vitio è stato concesso il battesimo alle femine.

E douendo noi giudicare non con gli essempi, ma con le leggi; gli essempi delle Donne battizate sono affatto di niun valore.

Che dicono alcuni? Che Cristo subito seguita la sua Resurrettione si dimostrò primieramente alle Donne, in

che maniera dunque loro non appartiene ? ma io replico, Cristo nella sua nascita si fece vedere primo di tutti al Bue et al Asino, dunque questi animali Bruti appartengono à Cristo ? Pazzia. Non considerano questi poueri ignoranti, Cristo non essere prima apparso per altra cagione alle femine, che per diuulgare con celerità da per tutto la sua Resurrettione. Perche essendo le Donne piene di garrulità, communicano in vn subito ad vna Città intiera, tutto quello che sanno. S' aggiunge, che la Donna, nè di Iure diuino, nè humano, può essere testimonio. Non volse dunque Dio le femine per testimonio della sua Resurrettione, essendo inualido il loro attestato. Che però, e l'Apostolo Tomaso non volse credere à gli altri Discepoli la Resurrettione di Cristo; solamente perche lo sapeuano dalla bocca delle femine: ed alcuni degl', altri Discepoli credeuano, che esse delirassero. Anzi così Cristo si fece primo vedere alle femine, che non permesse da loro essere conosciuto, tuttoche gli apparisse da vicino. Perche nè anche la propria Madre potè conoscerlo, ma lo guidicò vn' Ortolano; e dopo conosciutolo non le fù permesso il toccarlo. Di qui si conosce, come Cristo volse honorare le femine dopo la sua Resurrettione.

Gridano le femine. Parliamo, habbiamo la ragione, e l'anima rationale, dunque siamo della spetie degli huomini. Ma io niego tutte queste cose. Perche si ritrouano etiandio di molti vccelli, che parlano, e l'Asina di Balaam parlò, e pure non fù della spetie degli huomini. E' l parlare senza ragione e senza proposito, altro non è che vn non parlare. Che le Donne parlano senza ragione e senza proposito, si conosce chiaramente mentre comanda loro l'Apostolo, che debbano tacere in Chiesa; perche se parlassero ragioneuolmente, e non come tante bestie, non sarebbe ragioneuole, che tacessero,

ne sarebbe loro prohibito. Le leggi non vogliono, che le femine esercitino publichi Magistrati, non sono ammesse nelle girisdittioni, ne' consigli, nelle adottioni, nelle intercessioni, nelle procure, nelle tutele, ne' testamenti, nell' officiature, nelle cause criminali, non per altra causa certo, se non perche sono priue di discorso, e d' anima rationale. E non riceuerebbero questo impedimento dal sesso, quando hauessero la ragione; ne si legge in luogo alcuno, che Dio ispirasse l' anima alla Donna. Anzi gli stessi anabatisti con publiche scritture confessano e prouano, le Donne non hauer anima.

E etiandio, che le Donne hauessero la rationalità, questa però non haverebbe potere di farle della specie degl' huomini, perche, e gl' Angeli e i Diauoli tengono l' anima rationale, e pure non sono della specie degli huomini . . . Auertisce questo il dottissimo Cardinal Hosio, che negò l' anima ragioneuole costituire l' huomo. Perche anche le Bestie hanno l' anima ragioneuole, mentre Dio ci rimette ad' esse, accioche impariamo la ragione, e la prudenza; dicendoci, Siate prudenti si come sono li Serpenti, e semplici, come le Colombe. Medesimamente, Va Pigro della Formica.

Nè stimo punto quell' vltimo reffugio di tutte le femine mentre dicono, Ogni simile partorisce il suo simile, dunque è di necessità, che la Donna sia huomo, mentre partorisce huomini . . . Quando nasce vn figliuolo il Padre partorisce vn simile à se stesso, nè quì si riguarda punto la madre, che non è causa efficiente, ma solamente istrumento.

Credo d' hauer prouato, con cinquanta irrefragabili testimoni delle sacre lettere, la Donna non essere della spetie degli huomini, e perciò incapace del Paradiso.

APPENDIX.

No. II.

In support of his opinions on this subject, Milton quotes as the highest authorities, the bible, the fathers of the Christian church, the council of Agatha, the civil law, &c.

Regarding divorce, however, as a subject of reasoning and philosophy, I can attach no importance to mere common authority respecting it; and I am compelled to consider the bible as, at best, possessing no greater force on *such* subjects.

This is clearly implied by the most orthodox commentators; for when objectors point out, for instance, Joshua's error, in speaking of making the sun stand still, as implying the common and erroneous notion of its moving round the earth, and similar errors, the reply of the commentators is, that the bible is not meant to instruct us in philosophy—in other words, that it expresses only the notions prevalent at the time, in language then popular and intelligible; and this certainly affords us not divine, but human authority.

But whatever force that argument may possess, it is neither my only reason nor my strongest one for re-

garding the bible as presenting, on such points, a mere common authority—an expression of the opinions prevalent at the time: hosts of commentators give very different and frequently opposite opinions as to its meaning on every thing relating to marriage and divorce, as the sequel will show; and each party deems the opinion of the opposite one as having no higher authority than that of the individuals composing it. Any assertion, therefore, of higher authority would be denied by each respective party; and any argument founded on such assumption would be interminable and ridiculous.

I have cast, therefore, the whole of this matter into a note; giving it merely to gratify the curiosity of the reader, and not as establishing the truth of any question.

Milton quotes the text, "Therefore shall a man leave his father and his mother, and shall cleave to his wife, and they shall be one flesh," and he proceeds as follows:

"Cleave to a wife."—"But let her be a wife; let her be a meet help, a solace; not a nothing, not an adversary, not a desertrice. Can any law or command be so unreasonable, as to make men cleave to calamity, to ruin, to perdition?

"They shall be one flesh."—"But let the causes hold and be made really good, which alone have the possibility to make them one flesh. We know that flesh can neither join, nor keep together two bodies of itself: what is it then must make them one flesh, but likeness, but fitness of mind and disposition, which may breed the spirit of concord and union between them? If that be not in the nature of either, and that there has been a remediless mistake, as vain we go about to compel them into one flesh, as if we undertook to weave a garment of dry sand.

"Wherefore they are no more twain but one flesh."

—"This is true in the general right of marriage, but not in the chance-medley of every particular match. For if they who were once undoubtedly one flesh, yet became twain by adultery, then sure they who were never one flesh rightly, never helps meet for each other according to the plain prescript of God, may with less ado than a volume be concluded still twain.

"What therefore God hath joined, let no man put asunder."

"When is it that God may be said to join? When the parties and their friends consent? No surely, for that may concur to lewdest ends. Or is it when church rites are finished? Neither; for the efficacy of those depends upon the pre-supposed fitness of either party. Perhaps after carnal knowledge? Least of all; for that may join persons whom neither law nor nature dares join.

"What God hath joined."—"Shall we say that God hath joined error, fraud, unfitness, wrath, contention, perpetual loneliness, perpetual discord; whatever lust, or wine, or witchery, threat, or inticement, avarice, or ambition hath joined together, faithful and unfaithful, christian with antichristian, hate with hate, or hate with love, shall we say this is God's joining?

"It is left, that only then [God hath joined] when the minds are fitly disposed and enabled to maintain a cheerful conversation, to the solace and love of each other, according as God intended and promised in the very first foundation of matrimony, 'I will make him a help meet for him;' for, surely, what God intended and promised, that only can be thought to be his joining, and not the contrary.

"The rest, whom either disproportion or deadness of spirit, or something distasteful and averse in the immu-

table bent of nature, renders conjugal, error may have joined, but God never joined against the meaning of his own ordinance. And if he joined them not, then is there no power above their own consent to hinder them from unjoining, when they cannot reap the soberest ends of being together in any tolerable sort. Neither can it be said properly that such twain ever divorced, but only parted from each other, as two persons unconjunctive are unmarriageble together.

"Let no man put asunder."—"That is to say, what God hath joined; for if it be, as how oft we see it may be, not of God's joining, and his law tells us he joins not unmatchable things, but hates to join them, as an abominable confusion, then the divine law of Moses puts them asunder, his own divine will in the institution puts them asunder, as oft as the reasons be not extant, for which only God ordained their joining.

"Man only puts asunder when his inordinate desires, his passion, his violence, his injury makes the breach: not when the utter want of that which lawfully was the end of his joining, when wrongs and extremities and unsupportable grievances, compel him to disjoin: when such as Herod and the pharisees divorce beside law, or against law, then only man separates, and to such only this prohibition belongs.

"In a word, if it be unlawful for man to put asunder that which God hath joined, let man take heed it be not detestable to join that by compulsion which God hath put asunder.

"Him I hold more in the way to perfection, who foregoes an unfit, ungodly, and discordant wedlock, to live according to peace and love, and God's institution in a fitter choice, than he who debars himself the happy experience of all godly, which is peaceful, conversation

in his family, to live a contentious and unchristian life not to be avoided, in temptation not to be lived in, only for the false keeping of a most unreal nullity, a marriage that hath no affinity with God's intention, a daring phantasm, a mere toy of terror, awing weak senses, to the lamentable superstition of ruining themselves.

"And I say unto you, whoso shall put away his wife, except it be for fornication, and shall marry another, committeth adultery; and whoso marrieth her which is put away, doth commit adultery."

"Whosoever shall put away his wife."—"That is to say, shall so put away as the propounders of this question, the pharisees, were wont to do, and covertly defended Herod for so doing . . . Whosoever shall put away either violently, without mutual consent for urgent reasons, or conspiringly by plot or lust, or cunning malice,—shall put away for any sudden mood, or contingency of disagreement, which is not daily practice, but may blow soon over, and be reconciled, except it be fornication; whosoever shall put away rashly, as his choler prompts him, without due time of deliberating, and think his conscience discharged only by the bill of divorce given, and the outward law satisfied; whosoever, lastly, shall put away his wife, that is a wife indeed, and not in name only, such a one who both can and is willing to be a meet help toward the chief ends of marriage both civil and sanctified, except fornication be the cause, that man, or that pair, commit adultery. Not he who puts away by mutual consent, with all the considerations and respects of humanity and gentleness, without malicious or lustful drift.

"Not he who, after sober and cool experience, and long debate within himself, puts away, whom though he cannot love or suffer as a wife with that sincere affection that marriage requires, yet loves at least with that civility

and goodness, as not to keep her under a neglected and unwelcome residence, where nothing can be hearty, and not being, it must needs be both unjoyous, and injurious to any perceiving person so detained, and more injurious than to be freely and upon good terms dismissed. Nor doth he put away adulterously who complains of causes rooted in immutable nature, utter unfitness, utter disconformity, not conciliable, because not to be amended without a miracle. Nor he who puts away an unquenchable vexation from his bosom, and flies an evil, than which a greater cannot befal human society. Nor he who puts away with the full suffrage and applause of his conscience, not relying on the written bill of law, but claiming by faith and fulness of persuasion the rights and promises of God's institution, of which he finds himself in a mistaken wedlock defrauded. Doubtless this man hath bail enough to be no adulterer, giving divorce for these causes.

"His wife."—"This word is not to be idle here, a mere word without a sense, much less a fallacious word signifying contrary to what it pretends; but faithfully signifies a wife, that is, a comfortable help and society, as God instituted; does not signify deceitfully under this name an intolerable adversary, not a helpless, unaffectionate, and sullen mass, whose very company represents the visible and exactest figure of loneliness itself. Such an associate he who puts away, divorces not a wife, but disjoins a nullity which God never joined, if she be neither willing, nor to her proper and requisite duties sufficient, as the words of God institute her. And this also is Bucer's explication of this place."

Bucer's words I may here introduce.—"Concerning man and wife, it must be necessary, that we understand such for man and wife, as are so indeed according to the

same law of God; that is, who are so disposed, as that they are both willing and able to perform the necessary duties of marriage; not those who, under a false title of marriage, keep themselves mutually bound to injuries and disgraces; for such twain are nothing less than lawful man and wife."—To recur to Milton:

"Except it be for fornication."—"It will with all due reason therefore be thus better understood, whoso puts away for any accidental and temporary causes, except one of them, which is fornication.

"In the Greek and Latin sense, by fornication is meant the common prostitution of body for sale. So that they who are so exact for the letter shall be dealt with by the Lexicon, and the Etymologicon too if they please, and must be bound to forbid divorce for adultery also, until it come to open whoredom and trade, like that for which Claudius divorced Messalina. Since therefore they take not here the word fornication in the common significance, for an open exercise in the stews, but grant divorce for one single act of privatest adultery, notwithstanding that the word speaks a public and notorious frequency of fact, not without price; we may reason with as good leave, and as little straining to the text, that our Saviour on set purpose chose this word fornication, improperly applied to the lapse of adultery, that we might not think ourselves bound from all divorce except when that fault hath been actually committed. For the language of scripture signifies by fornication (and others besides St. Austin so expounded it) not only the trespass of body, nor perhaps that between married persons, unless in a degree or quality as shameless as the bordello; but signifies also any notable disobedience, or intractable carriage of the wife to the husband, as Judg. xix. 2.

"Yet grant the thing here meant were only adultery,

the reason of things will afford more to our assertion, than did the reason of words. For why is divorce unlawful but only for adultery? because, say they, that crime only breaks the matrimony. But this, I reply, the institution itself gainsays; for that which is most contrary to the words and meaning of the institution, that most breaks the matrimony: but a perpetual unmeetness and unwillingness to all the duties of help, of love, and tranquillity, is most contrary to the words and meaning of the institution; that therefore much more breaks matrimony than the act of adultery, though repeated.

"This, as it is not felt, nor troubles him who perceives it not, so being perceived, may be soon repented, soon amended; soon, if it can be pardoned, may be redeemed with the more ardent love and duty in her who hath the pardon. But this natural unmeetness both cannot be unknown long, and ever after cannot be amended, if it be natural, and will not, if it be far gone obstinate. So that, wanting aught in the instant to be as great a breach as adultery, it gains it in the perpetuity to be greater.

"Next, adultery does not exclude her other fitness, her other pleasingness; she may be otherwise both loving and prevalent, as many adulteresses be; but in this general unfitness or alienation she can be nothing to him than can please. In adultery nothing is given from the husband, which he misses, or enjoys the less, as it may be subtly given: but this unfitness defrauds him of the whole contentment which is sought in wedlock. And what benefit to him, though nothing be given by the stealth of adultery to another, if that which there is to give, whether it be solace, or society, be not such as may justly content him? and so not

only deprives him of what it should give him, but gives him sorrow and affliction, which it did not owe him.

"Besides, is adultery the greatest breach of matrimony in respect of the offence to God, or of the injury to man? If in the former, then other sins may offend God more, and sooner cause him to disunite his servant from being one flesh with such an offender. If in respect of the latter, other injuries are demonstrated therein more heavy to man's nature than the iterated act of adultery. God, therefore, in his wisdom, would not so dispose his remedies, as to provide them for the less injuries, and not allow them for the greater.

"Thus is won both from the word fornication, and the reason of adultery, that the exception of divorce is not limited to that act, but enlarged to the causes above specified.

"In the church both primitive and reformed, the words of Christ have been understood to grant divorce for other causes than adultery; and the word Fornication in marriage hath a larger sense than that commonly supposed.

"Justin Martyr, in his first apology, written in fifty years after St. John died, relates a story which Eusebius transcribes, that a certain matron of Rome, the wife of a vicious husband, herself also formerly vicious, but converted to the faith, and persuading the same to her husband, at least the amendment of his wicked life; upon his not yielding to her daily entreaties and persuasions in this behalf, procured by law to be divorced from him. This was neither for adultery, nor desertion, but as the relation says, 'esteeming it an ungodly thing to be the consort of bed with him, who against the law of nature and of right, sought out voluptuous ways.'—Saith the Martyr, and speaks it like one approving.

'Lest she should be partaker of his unrighteous and ungodly deeds, remaining in wedlock, the communion of bed and board with such a person, she left him by a lawful divorce! This cannot but give us the judgment of the church in those pure and next to apostolic times.

"Tertullian in the same age, writing his fourth book against Marcion, witnesses 'that Christ by his answer to the pharisees,—forbid conditionally, if any one therefore put away, that he may marry another: so that if he prohibited conditionally, then not wholly: and what he forbad not wholly, he permitted otherwise, where the cause ceases for which he prohibited:' that is, a man makes it not the cause of his putting away merely that he may marry again.—Whereas the text is 'Whosoever putteth away, and marrieth another,' wherefore should Tertullian explain it, 'Whosoever putteth away that he may marry another,' but to signify his opinion, that our Saviour did not forbid divorce from an unworthy yoke, but forbid the malice or the lust of a needless change, and chiefly those plotted divorces then in use?

"Origen, in the next century, testifies to have known certain who had the government of churches in his time, who permitted some to marry, while yet their former husbands lived, and excuses the deed, as done 'not without cause, though without scripture,' which confirms that cause not to be adultery; for how then was it against scripture that they married again? And a little beneath, for I cite his seventh homily on Matthew, saith he, 'to endure faults *worse* than *adultery* and *fornication*, seems a thing unreasonable.'—By which and the like speeches, Origen declares his mind, far from thinking that our Saviour confined all the causes of divorce to actual adultery.

"Lactantius, of the age that succeeded, speaking of this matter in the sixth of his 'Institutions,' hath these words: 'But lest any think he may circumscribe divine precepts, let this be added, that all misinterpreting, and occasion of fraud or death, may be removed, he commits adultery who marries the divorced wife; and besides the crime of adultery, divorces a wife that he may marry another.' To divorce and marry another, and to divorce that he may marry another, are two different things; and imply that Lactantius thought not this place the forbidding of all necessary divorce, but such only as proceeded from the wanton desire of a future choice, not from the burden of a present affliction.

"Basil, in his 73rd rule, as Chamier numbers it, thus determines: 'That divorce ought not to be, unless for adultery, or the hinderance to a godly life.' What doth this but proclaim aloud more causes of divorce than adultery, if by other sins besides this, in wife or husband, the godliness of the better person may be certainly hindered and endangered.

"Epiphanius, no less ancient, writing against heretics, and therefore should himself be orthodoxal above others, acquaints us in his second book, not that his private persuasion was, but that the whole church in his time generally thought other causes of divorce lawful besides adultery, as comprehended under that name. 'If,' saith he, 'a divorce happen for any cause, either fornication or adultery, or any heinous fault, the word of God blames not either the man or wife marrying again, nor cuts them off from the congregation, or from life, but bears with the infirmity; not that he may keep both wives, but that, leaving the former, he may be lawfully joined to the latter: the holy word, and the holy church of God, commiserates this man, especially if he be other-

wise of good conversation, and live according to God's law.' This place is clearer than exposition, and needs no comment.

"Ambrose, on the 16th of Luke, teaches 'that all wedlock is not God's joining:' and to the XIX of Prov. 'That a wife is prepared of the Lord,' as the old Latin translates it, he answers, that the Septuagint renders it 'a wife is fitted by the Lord, and tempered to a kind of harmony; and where harmony is, there God joins; where it is not, there dissension reigns, which is not from God, for God is love.' This he brings to prove the marrying of christian with gentile to be no marriage, and consequently divorced without sin: but he who sees not this argument how plainly it serves to divorce any untunable, or unatenable matrimony, sees little. On the first to the VII, he grants a woman may leave her husband not only for fornication, 'but for apostacy, and inverting nature, though not marry again; but the man may.' Here are causes of divorce assigned other than adultery.

"Jerom on the 19th of Matthew explains, that for the cause of fornication, or the 'suspicion thereof, a man may freely divorce.' What can breed that suspicion, but sundry faults leading that way? By Jerom's consent, therefore, divorce is free not only for actual adultery, but for any cause that may incline a wise man to the just suspicion thereof.

"Austin also must be remembered among those who hold, that this instance of fornication gives equal inference to other faults equally hateful, for which to divorce: and therefore in his books to Pollentius, he disputes, 'that infidelity, as being a greater sin than adultery, ought so much the rather cause a divorce.' And on the sermon on the mount, under the name of fornica

years, and in that space not heard of, though gone to war in the service of the empire,' she might divorce, and marry another by the edict of Constantine to Dalmatius." [Bucer, adds "The wife's desertion of her husband the christian emperors plainly decreed to be a just cause of divorce, when as they granted him the right thereof, if she had but lain out one night against his will without probable cause."] "And this was an age of the church, both ancient and cried up still for the most flourishing in knowledge and pious government since the apostles.—But to return to this law of Theodosius, with this observation by the way, that still as the church corrupted, as the clergy grew more ignorant, and yet more usurping on the magistrates, who also now declined, so still divorce grew more restrained."

"This law therefore of Theodosius—reduced the causes of divorce to a certain number, which by the judicial law of God, and all recorded humanity, were left before to the breast of each husband, provided that the dismiss was not without reasonable conditions to the wife. But this was a restraint not yet come to extremes. For besides adultery, and that not only actual, but suspected by signs there set down, any fault equally punishable with adultery, or equally infamous, might be the cause of a divorce. Which informs us how the wisest of those ages understood that place in the gospel, whereby not the pilfering of a benevolence was considered as the main and only breach of wedlock, as is now thought, but the breach of love and peace, a more holy union than that of the flesh; and the dignity of an honest person regarded, not to be held in bondage with one whose ignominy was infectious.

"Justinian added three causes more. In the 117 Novell, most of the same causes are allowed, but the liberty of divorcing by consent is repealed: but by

whom? by Justinian, not a wiser, not a more religious emperor than either of the former, but noted by judicious writers for his fickle head in making and unmaking laws; and how Procopius, a good historian, and counsellor of state then living, deciphers him in his other actions, I willingly omit. Nor was the church then in better case, but had the corruption of a hundred declining years swept on it, when the statute of 'Consent' was called in; which, as I said, gives us every way more reason to suspect this restraint, more than that liberty:

"Therefore, in the reign of Justin, the succeeding emperor, that statute was recalled, Novell 140, and established with a preface more wise and christianly than for those times, declaring the necessity to restore that Theodosian law, if no other means of reconcilement could be found. And by whom this law was abrogated, or how long after, I do not find; but that those other causes remained in force as long as the Greek empire subsisted, and were assented to by that church, is to be read in the canons and edicts composed by Photius the patriarch, with the avertiments of Balsaman and Matthæus Monachus thereon.

"But long before those days, Leo, the son of Basilius Macedo, reigning about the year 886, and for his excellent wisdom surnamed the 'Philosopher,' constituted 'that, in case of madness, the husband might divorce after three years; the wife after five.' This declares how he expounded our Saviour, and derived his reasons from the institution, which in his preface with great eloquence are set down; whereof a passage or two may give some proof, though better not divided from the rest. 'There is not,' saith he, 'a thing more necessary to preserve mankind, than the help given him from his own rib; both God and nature so teaching us: which

doing so, it was requisite that the providence of law, or if any other care be to the good of man, should teach and ordain those things which are to the help and comfort of married persons, and confirm the end of marriage purposed in the beginning, not those things which afflict and bring perpetual misery to them.' Then answers the objection, that they are one flesh; 'If matrimony had held so as God ordained it, he were wicked that would dissolve it. But if we respect this in matrimony, that it be contracted to the good of both, how shall he, who for some great evil feared, persuades not to marry though contracted, not persuade to unmarry, if after marriage a calamity befall? Should we bid beware least any fall into an evil, and leave him helpless who by human error is fallen therein? This were as if we should use remedies to prevent a disease, but let the sick die without remedy.' The rest will be worth reading in the author.

"And thus we have the judgment first of primitive fathers; next, of the imperial law not disallowed by the universal church in ages of her best authority; and lastly, of the whole Greek church and civil state, incorporating their canons and edicts together, that divorce was lawful for other causes equivalent to adultery, contained under the word fornication. So that the exposition of our Saviour's sentence here alleged hath all these ancient and great asserters; is therefore neither new nor licentious, as some would persuade the commonality.

"But in these western parts of the empire, it will appear almost unquestionable, that the cited law of Theodosius and Valentinian stood in force until the blindest and corruptest times of popedom displaced it.

"While the monarchs of christendom were yet barbarous, and but half-christian, the popes took this advantage of their weak superstition to raise a corpulent

law out of the canons and decretals of audacious priests; and presumed also to set this in the front: 'That the constitutions of princes are not above the constitutions of clergy, but beneath them.'—We may note here, that the restraint of divorce was one of the first fair-seeming pleas which the Pope had, to step into secular authority, and with his antichristian rigour to abolish the permissive law of christian princes conforming to a sacred lawgiver.

"Nor do we less remarkably owe the first means of his fall here in England, to the contemning of that restraint by Henry the VIIIth., whose divorce he opposed. Yet was not that rigour executed anciently in spiritual courts, until Alexander the IIIrd., who trod upon the neck of Frederic Barbarossa, the emperor, and summoned our Henry II. into Normandy, about the death of Becket. He it was, that the worthy author may be known, who first actually repealed the imperial law of divorce, and decreed this tyrannous decree, that matrimony for no cause should be dissolved, though for many causes it might separate. The main good of which invention, wherein it consists, who can tell? but that it hath one virtue incomparable, to fill all Christendom with whoredoms and adulteries.

"Yet neither can the papists but acknowledge that the words of Christ, under the name of fornication, allow putting away for other causes than adultery, both from 'bed and board,' but not from the 'bond;' their only reason is, because marriage they believe to be a 'sacrament.' But our divines, who would seem long since to have renounced that reason, have so forgot themselves, as yet to hold the absurdity, which but for that reason, unless there be some mystery of Satan in it, perhaps the papist would not hold.

"It is true, we grant divorce for actual and proved adultery, and not for less than many tedious and unre-

pairable years of desertion, wherein a man shall lose all his hope of posterity, which great and holy men have bewailed, ere he can be righted; and then, perhaps, on the confines of his old age, when all is not worth the while. But grant this were seasonably done; what are these two cases to many other, which afflict the state of marriage as bad, and yet find no redress? What hath the soul of man deserved, if it be in the way of salvation, that it should be mortgaged thus, and may not redeem itself according to conscience out of the hands of such ignorant and slothful teachers as these, who are neither able nor mindful to give due tendance to that precious cure which they rashly undertake; nor have in them the noble goodness, to consider these distresses and accidents of man's life, but are bent rather to fill their mouths with tithe and oblation?

"Yet if they can learn to follow, as well as they can seek to be followed, I shall direct them to a fair number of renowned men, worthy to be their leaders, who will commend to them a doctrine in this point wiser than their own; and if they be impatient, it will be the same doctrine which this treatise hath defended.

"Wickliff, that Englishman honoured of God to be the first preacher of a general reformation to all Europe, was not in this thing better taught of God, than to teach among his chiefest recoveries of truth, 'that divorce is lawful to the christian for many other causes *equal* to *adultery*.'

"Next, Luther, how great a servant of God! in his book of 'Conjugal Life' quoted by Gerard out of the Dutch, allows divorce for the obstinate denial of conjugal duty; and 'that a man may send away a proud Vashti, and marry an Esther in her stead.' It seems, if this example shall not be impertinent, that Luther meant not only the refusal of benevolence, but a stubborn denial of any main conjugal duty; or if he did not,

it will be evinced from what he allows. For out of question, with men that are not barbarous, love and peace, and fitness, will be yielded as essential to marriage, as corporal benevolence. Though the body prostitute itself to whom the mind affords no other love or peace, but constant malice and vexation, can this bodily benevolence deserve to be called a marriage between christians and rational creatures?

"Melancthon, the third great luminary of reformation, in his book 'concerning marriage,' grants divorce for cruel usage, and danger of life, urging the authority of that Theodosian law, which he esteems written with the grave deliberation of godly men; 'and that they who reject this law, and think it disagreeing from the gospel, understand not the difference of law and gospel.'

"Erasmus, who for learning, was the wonder of his age, both in his Notes on Matthew, and on the first to the Corinthians, in a large and eloquent discourse, and in his answer to Phimostemus, a papist, maintains (and no protestant then living contradicted him) that the words of Christ comprehend many other causes of divorce under the name of fornication.

"Bucer (whom our famous Dr. Rainolds was wont to prefer before Calvin) says, "It will be the duty of pious princes, and all who govern church or commonwealth, if any, whether husband or wife, shall affirm their want of such, who either will or can tolerably perform the necessary duties of married life, to grant that they may seek them such, and marry them; if they make it appear that such they have not.' This book he wrote here in England, where he lived the greatest admired man; and this he dedicated to Edward the VIth.

"Fagius, ranked among the famous divines of Germany, differs not in this opinion from Bucer, as his notes on the Chaldee Paraphrast well testify.

Peter Martyr says, 'I speak not here of natural impediments, which may so happen, that the matrimony can no longer hold:' but adds, that he often wondered, 'how the ancient and most christian emperors established those laws of divorce, and neither Ambrose, who had such influence upon the laws of Theodosius, nor any of those holy fathers found fault, nor any of the churches, why the magistrates of this day should be so loth to constitute the same. Perhaps they fear an inundation of divorces, which is not likely; when as we read not either among the Hebrews, Greeks, or Romans, that they were much frequent where they were most permitted. If they judge christian men worse than Jews or Pagans, they both injure that name, and by this reason will be constrained to grant divorces the rather; because it was permitted as a remedy of evil, for who would remove the medicine, while the disease is yet so rife?'—He grants divorce not only for the desertion, but for the seducement and scandalous demeanour of an heretical consort.

"Nor have the civilians been all so blinded by the canon, as not to avouch the justice of those old permissions touching divorce.

"Grotius, yet living, and of prime note among learned men, retires plainly from the canon to the ancient civility —yea, to the Mosaic law, 'as being most just and undeceivable.' On the 5th of Matthew, he saith, 'That Christ made no civil laws, but taught us how to use law; that the law sent not a husband to the judge about this matter of divorce, but left him to his own conscience; that Christ therefore cannot be thought to send him; that adultery may be judged by vehement suspicion; that the exception of adultery seems an example of other like offences;' proves it 'from the manners of speech, the maxims of law, the reason of charity, and common equity.'

"These authorities, without long search, I had to produce, all excellent men, some of them such as many ages had brought forth, none greater: almost the meanest of them might deserve to obtain credit in a singularity; what might not then all of them joined in an opinion so consonant to reason? For although some speak of this cause, others of that, why divorce may be, yet all agreeing in the necessary enlargement of that textual straitness, leave the matter to equity, not to literal bondage; and so the opinion closes. Nor could I have wanted more testimonies, had the cause needed a more solicitous inquiry.

"But God (I solemnly attest!) withheld from my knowledge the consenting judgment of these men so late, until they could not be my instructors, but only my unexpected witnesses to partial men, that in this work I had not given the worst experiment of an industry joined with integrity, and the free utterance, though of an unpopular truth. Which yet to the people of England may, if God so please, prove a memorable informing; certainly a benefit which was intended them long since by men of highest repute for wisdom and piety, Bucer and Erasmus.

"Only this one authority more, whether in place, or out of place, I am not to omit: which if any think a small one, I must be patient,—it is no smaller than the whole assembled authority of England, both church and state; and in those times which are on record for the purest and sincerest that ever shone yet on the reformation of this island, the time of Edward VI.

"That worthy prince, having utterly abolished the canon law out of his dominions, as his father did before him, appointed by full vote of parliament a committee of two and thirty chosen men, divines and lawyers, of whom Cranmer the archbishop, Peter Martyr, and

Walter Hadden, (not without the assistance of Sir John Cheeke, the king's tutor, a man at that time counted the learnedest of Englishmen, and for piety not inferior) were the chief, to frame anew some ecclesiastical laws, that might be instead of what was abrogated. The work with great diligence was finished, and with as great approbation of that reforming age was received; and had been doubtless, as the learned preface thereof testifies, established by act of parliament, had not the good king's death, so soon ensuing, arrested the further growth of religion also from that season to this.

"Those laws founded on the memorable wisdom and piety of that religious parliament and synod, allow divorce and second marriage, 'not only for adultery or desertion, but for any capital enmity or plot laid against the other's life, and likewise for evil and fierce usage:' nay, the twelfth chapter of that title by plain consequence declares, 'that lesser contentions, if they be perpetual, may obtain divorce:' which is all one really within the position by me held.

"The opinion, which of late hath undergone ill censures among the vulgar, hath now proved to have done no violence to scripture, unless all these famous authors be alleged to have done the like; nor hath affirmed aught more than what indeed the most nominated fathers of the church, both ancient and modern, are unexpectedly found affirming, the laws of God's peculiar people and of primitive Christendom found to have practised, reformed churches and states to have imitated, and especially the most pious church-times of this kingdom to have framed and published, and but for sad hinderances in the sudden change of religion, had enacted by the parliament."

THE END.

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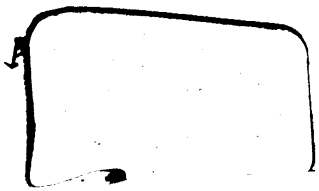
Woman's